



AGENDA
PLANNING COMMISSION
TUESDAY, March 14, 2023
7:00 P.M.

MEMBERS

Corey Watt, Chair, HAPC Rep.	Steve Dana, CIC Rep.
Shana Rosenberg, Vice Chair, HAC Rep.	Carla Blackmar, OPTAB Rep.
Jason Bracken, Council & Environmental Commission Rep.	Michael Smith
David Prytherch, Council & CASC Rep.	

STAFF

Sam Perry, Director, Community Development
Zachary Moore, City Planner / GIS Coordinator
Christopher Conard, Law Director

MEETING PROCEDURE: Comments from the Public are welcome at two different times during the course of the meeting:
(1) Comments on items not on the Agenda will be heard under Public Comments Related to Items not on the Agenda – and
(2) Comments for all public hearing items will be heard during Planning Commission consideration of said item. Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded and limit your remarks to a period of three minutes or less.

- | | |
|--|----|
| I. Call to Order | |
| II. Approval of Agenda | |
| III. Approval of Minutes of February 14, 2023* | 1 |
| IV. Public Comments Related to Items <u>Not</u> on the Agenda | |
| V. Reports from Commissions, Boards, Committees & Staff | |
| VI. New Business | |
| PC-2023-02, 20 E Collins Street, CONDITIONAL USE , to allow for an accessory dwelling unit in the R3MS Zoning District, Scott Webb, Applicant/Agent* | 5 |
| VII. Administrative Approvals | |
| PC-2023-03, 4210 Millville Oxford Road, LOT CONSOLIDATION , lots #925 and 926, new lot #4122 totaling 0.594 acres, Derrick Daily, Applicant/Agent* | 43 |
| VIII. Other Business | |
| Revisions to Planning Commission Rules of Procedure* | 51 |
| Annexation Policy Discussion | |

IX. Adjournment

*Attachments



OXFORD PLANNING COMMISSION

Meeting Minutes

Tuesday, February 14, 2023

[Link for website video here](#)

Roll Call

Corey Watt, Chair

Shana Rosenberg, Vice Chair

Steve Dana

Michael Smith

Carla Blackmar

David Prytherch

Jason Bracken

Time: 3:39

A regular meeting of the Oxford Planning Commission was called to order by Chair Corey Watt on Tuesday, February 14, 2023 at 7:00 p.m.

Members in attendance were Shana Rosenberg, Steve Dana, David Prytherch, Michael Smith, Carla Blackmar, and Jason Bracken.

Members excused: None

Staff Members in Attendance

Mr. Sam Perry, Director, Community Development, Mr. Zachary Moore, City Planner/GIS Coordinator, Mr. Benjamin Mazer, Assistant Law Director, Ms. Rebecca Kolb, Administrative Assistant.

Staff Members Excused

Ms. Eunike Miller, Administrative Assistant

Approval of the Agenda

Time: 3:47

Motion – To Approve

(Voice Vote) 1st Mr. Dana

2nd Mr. Prytherch

AYE: (7)

NAY: (0)

ABS: (0)

Approval of Minutes of January 10, 2023

Time: 4:00

Motion – To Approve the minutes as written

(Voice Vote) 1st Mr. Prytherch

2nd Mr. Dana

AYE: (7)

NAY: (0)

ABS: (0)

Public Comments Related to Items Not on the Agenda

Time: 4:21

Comments from the Public are welcome at two different times during the course of the meeting: (1) Comments on items not on the Agenda will be heard under Public Comments Related to Items not on the Agenda - and (2) Comments for all public hearing items will be heard during Planning Commission consideration of said item. Please wait until you are recognized by the Chair, state your name and address so that your comments may be properly recorded and limit your remarks to a period of three minutes or less.

There were no public comments.

Reports from Commissions, Boards, Committees & Staff

Time: 4:50

Old Business

PC-2022-10

Time: 11:46

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1. 4147 Kehr Road, PRELIMINARY SUBDIVISION, Heron Pond, 9 lots for single-family homes, HPCT Properties, LLC, Applicant, TABLED from Jan. 10 meeting

Motion – To Take Off the Case from the Table

(Voice Vote) 1st Mr. Dana

2nd Mr. Prytherch

AYE: (7)

NAY: (0)

ABS: (0)

Motion – To Enter into Public Hearing

(Voice Vote) 1st Ms. Blackmar

2nd Mr. Prytherch

AYE: (7)

NAY: (0)

ABS: (0)

Comments from the Public

There was none.

Motion – To Close Public Hearing

(Voice Vote) 1st Mr. Prytherch

2nd Mr. Dana

AYE: (7)

NAY: (0)

ABS: (0)

Motion – To Approve PC-2022-10 with Staff Recommendation and Tweaks

(Roll Call Vote) 1st Mr. Prytherch

2nd Mr. Dana

AYE: Mr. Smith, Mr. Dana, Ms. Rosenberg, Ms. Blackmar, Mr. Bracken, Mr. Prytherch, Mr. Watt (7)

NAY: None (0)

ABS: None (0)

New Business

PC-2022-12

Time: 40:30

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2. 5000 College Corner Pike, CONDITIONAL USE, exceeding 150% maximum parking, Waffle House, Inc., Applicant/Agent

Motion – To Enter into Public Hearing

(Voice Vote) 1st Mr. Dana

2nd Ms. Blackmar

AYE: (7)

NAY: (0)

ABS: (0)

Comments from the Public

Ms. Kate Currie, 420 W Vine St

Motion – To Close Public Hearing

(Voice Vote) 1st Mr. Dana

2nd Mr. Prytherch

AYE: (7)

NAY: (0)

ABS: (0)

Motion – To Approve PC-2022-12 with Conditions

(Roll Call Vote) 1st Ms. Rosenberg

2nd Mr. Dana

AYE: Mr. Smith, Mr. Dana, Ms. Rosenberg, Ms. Blackmar, Mr. Bracken, Mr. Prytherch (6)

NAY: Mr. Watt (1)

ABS: None (0)

Motion to Adjourn Meeting at 9:20 p.m.

Time: 2:22:55

(Voice Vote) 1st Mr. Dana

2nd Mr. Prytherch

AYE: (7)

NAY: (0)

ABS: (0)

STAFF REPORT

Community Development – Planning Commission

APPLICATION DETAILS

Applicant	Scott Webb Architect
Location	20 E Collins Street
Owner	William A Phillips Trust et al. of the William A Phillips Irrevocable Trust
Property Manager	College Property Management, c/o Sydney Conklin
Action Request	Conditional Use
Current Use	Single-Family Dwelling with detached accessory structure/garage
Proposed Use	Accessory Dwelling Unit (ADU)
Current Zoning	R3MS Single, Two-, and Three-Family Dwelling Mile-Square Residential District
Lot Size	5,940 square feet
Lot Width	72 feet
Surrounding Land Uses	Single-, Two-, Three-, and Multi-Family Residential
Staff Recommendation	Approval subject to recommended conditions

PROPOSAL SUMMARY

On behalf of the property owner, Scott Webb Architect is requesting a Conditional Use permit to enable an existing detached garage structure at 20 E Collins Street to be repurposed as an Accessory Dwelling Unit (ADU). This is the second Conditional Use application submitted for consideration of an ADU since provisions allowing for this possibility were adopted into the Oxford Zoning Code in 2017; the first and only past case was heard in 2020 for 303 N Main Street. The applicant has submitted a site plan depicting existing property conditions which are largely proposed to remain the same, sparing of course the refurbishment of the existing garage to contain additional living space, along with a widening of the existing driveway to provide two (2) additional parking spaces on-site.

The property is currently developed with an existing single-family dwelling, which is recognized as the principal use. From a zoning lens, the existing garage is currently viewed as an accessory structure which is ancillary and subordinate to the principal use. The garage is located in the northwestern corner of the rear

yard, accessible from an existing curb cut and driveway, and shown by the applicant to total 380 square feet in size. The principal dwelling on the other hand has a footprint totaling 1,258 square feet and contains 1,088 square feet of gross living area per the Butler County Auditor. The dwelling also currently carries a valid City of Oxford Rental Permit and is permitted for up to five (5) total occupants, though containing only three (3) bedrooms. Normally single-family dwellings in Oxford are only permitted to have up to four (4) unrelated occupants; in this case, up to five (5) occupants are allowed pursuant to a 1999 Housing Agreement between the City and property owner. The property still resides with the same owner as it did in 1999.

In conversations with the property manager, it seems the reality is that the property is only being rented to three (3) total occupants so that each tenant may have their own private bedroom. Essentially the desire is to provide two additional bedrooms somewhere on the property, thus maximizing the full occupancy potential afforded under the 1999 Agreement. In conversations with staff, the potential for a principal dwelling expansion and ADU conversion were both explored, with the owner/manager ultimately selecting to request Conditional Use approval for an ADU.

PUBLIC COMMENTS

Public notices were mailed to surrounding property owners and a sign was posted at the front of the property. One comment form from a nearby owner was returned indicating support for the request. Staff also took a call from one of the tenants at 20 E Collins, who shared concern over the garage conversion not being guaranteed as the property is apparently already under contract for 5 occupants in the future.

DEPARTMENT COMMENTS

Below are comments from City departments:

Department	Respondent	Response
Economic Development	Jessica Greene, Assistant City Manager	Returned with Comments
<i>The application for Conditional Use proposed the Adaptive Reuse of a former garage as an accessory dwelling at 20 E. Collins would have a negligible impact on the economy of the City of Oxford. The Economic Development staff have no comment or concern at this time.</i>		
Engineering	Scott Otto, City Engineer	Returned with Comments
<i>Future building permit application will need to provide a plan showing the proposed locations of the water service and sanitary sewer to serve this structure.</i>		
Fire	John Detherage, Fire Chief	Returned with Comments
See attached memorandum and exhibits.		
Police	John Jones, Police Chief	Returned with Comments
See attached memorandum.		

COMMENTARY

Staff comments on site conditions and a number of key development aspects are provided below:

- Land Use:** The allowance of ADUs as Conditional Uses in the R3MS district was adopted into the Oxford Zoning Code in September 2017. The staff report composed at the time reveals the purpose of the amendment was to encourage increased residential density for student housing units in close proximity to campus, while at the same time allowing for redevelopment of existing structures in order to preserve historic character as much as possible. To this end, allowing property owners to

build brand new accessory units to complement existing principal structures was seen as a solution which achieved a density increase without necessitating a complete demolition and rebuild, thus helping to reduce the erosion of historic fabric in neighborhoods where no other regulatory protections are present. The subject property exemplifies a number of the characteristics the ADU legislation was specifically written to address, being one block away from the western edge of the main Miami campus and supporting an older structure which is not protected from demolition due to being outside the Uptown or University Historic Districts. According to the Auditor, the main house was built in 1909 and the detached garage was built later in 1940.

Conditional Use reviews are always discretionary in nature, whereby the Planning Commission and Council rely on review criteria to determine whether a particular use is appropriate for the area and appropriately designed to mitigate potential future impacts, issues, or challenges. However in the case of ADUs, the Code specifies a number of objective standards as well; compliance with these as well a couple other more “subjective” standards is summarized in the table below:

STANDARD	COMPLIANCE	
ADU must be in a stand-alone structure or may be located above a garage	✓	It is a stand-alone structure; though regulations seem to anticipate new construction more so than adaptive reuse.
No more than 3 dwelling units on any lot inclusive of the ADU	✓	The project would result in total 2 units on the property.
ADU max size limited to 1,000 square feet or 50% of principal structure footprint, whichever is less*	✓	50% of principal structure footprint is 629 square feet; ADU is proposed at 380 square feet.
ADU must be located in the rear yard	✓	The existing garage to be converted is located in the rear yard.
ADU must be designed to be smaller in mass, height, and square footage than principal dwelling	?	The existing structure is already smaller in mass, height, and square footage; though again, language implies new construction.
ADU is subject to accessory building design guidelines	?	Once again, this is a standard that anticipates new construction. More discussion in Architecture section below.

*unless approved to be larger by Planning Commission and Council

- **Architecture:** Because the standards adopted in 2017 generally anticipated the design and construction of brand new accessory structures, there is somewhat of a mismatch once again between the Zoning Code provisions and the situation under consideration. The same was true for the one and only prior Conditional Use for an ADU at 303 N Main Street, located behind a principal unit at 305 N Main Street. It should be noted the case at 303 N Main involved a much larger structure approximately 3 times the size of the presently requested unit at 20 E Collins. The nature of the prior request was also significantly different in that it sought approval for the garage’s existing developed state so that it could be legally rented to tenants.

In continuing discussion on architecture, *Section 1143.07(d)(16)* provides that ADUs are to be *designed* as a smaller structure compared to the main house, and comply with the R3MS accessory building design guidelines which call for compatibility in architectural style and materials. The

request at hand seems to differ somewhat from original policy intentions when ADU regulations were adopted in 2017, seeing as how it involves interior conversion of an existing garage structure (thereby losing potential off-street parking space), coupled with exterior alterations to make the garage more “dwelling-like” in appearance and have closer resemblance to the principal dwelling. Staff is not aware of the inside conditions or present use of the existing garage at this time, though it is presumed to not currently be used for parking. The main house has a stucco exterior, while the existing garage appears to be wood frame. In terms of enhancing the garage structure, the applicant proposes “new siding to match existing,” and to replace the garage door with a front door, windows, and small front porch.

- **Parking:** While the Zoning Code does not provide parking space standards pertaining specifically to ADUs, the acceptability of a proposed parking arrangement may be reviewed on a more discretionary basis due to “vehicle management” being cited as a potential concern for such uses.

Staff’s interpretation is that as an additional dwelling unit on the site, a new ADU normally requires two (2) additional off-street parking spaces to be provided pursuant to **Section 1149.05(a)**. This was cited in the zoning review performed for the original plan shared with staff (original plan & letter are attached). The applicant has since revised the site plan to widen the driveway to accommodate two (2) additional parking spots, without modifying the existing curb cut/apron on E Collins. The Acting Police Chief has questioned whether such a configuration will be suitable for vehicles maneuvering in and out, suggesting either a landscaping or hardscape solution to limit lawn erosion caused by tires.

The proposed configuration is also technically not permitted by Code, requiring a waiver to **Section 1149.06(b)(2)** which normally limits residential parking areas to no more than one (1) stacked space; the expanded driveway results in two (2) stacked spaces. Additional elevated/curbed space would also need to be provided between the ADU foundation and adjacent parking spaces, to satisfy the Code’s requirement for a minimum three (3) foot structural setback per **Section 1149.06(b)(4)**.

- **Public Safety:** The Fire Chief and Acting Police Chief have both provided memorandums with robust comments on the proposal, both of which are included in the agenda packet. Staff encourages the Commission to review all of these comments carefully. The table below attempts to summarize key questions/comments posed by the Chiefs and offer answers from Community Development staff’s perspective:

QUESTION	STAFF ANSWER
Could the ADU be used as a short-term rental?	Yes. The interpretation is an ADU be treated the same as a single-family dwelling with respect to <i>transient guest lodging</i> provisions in Chapter 1141. A Rental Permit would need to be obtained with the unit passing a safety inspection every 2 years. The ADU and main house could not be rented to short-term renters at the same time (only one unit at a time).
Are cooking facilities adequate and will they be safe for use?	The Code Enforcement Officer has determined that the proposed floor plan provides enough amenities that the PMC requirement for a kitchen is considered met. The ADU is proposed to contain a “kitchenette” with a mini fridge, overhead microwave, small counter, and sink. The property manager has expressed to staff that ADU tenants would likely be given keys/access to use the kitchen in the main house as well.

Is the distance between the garage and main house a concern for establishing an ADU?	Staff estimates the current distance between structures to be about 7 feet. Establishing a new unit may require fire-proofing or other measures to comply with Building Code, though this is to be determined by the Building Official in accordance with appropriate State-level codes. When staff enforces normal setback provisions, any time structures fall on the same lot, the smallest distance typically possible between them is 10 feet.
Can overgrown vegetation be trimmed back to increase visibility and help prevent fire hazard?	Yes , the applicant seems agreeable to this. It is recommended as a condition.
Can fire sprinklers be installed in the ADU?	The applicant claims none are required by Building Code. This aspect will be left up to the Building Official, in consultation with the Fire Chief, to determine at the time of Building Permit review. Staff believes it is not legally within the scope of Planning Commission and Council's review to dictate safety requirements that vary from State-level Building and Fire Codes.
Will an additional street address need to be created for the ADU?	Yes , at this time staff is of the opinion the main unit could be readdressed as 20 E Collins Unit 1 and the ADU addressed as 20 E Collins Unit 2 .
Is there a need for this additional housing unit, given the availability of other housing options and other locations citywide for new housing?	The City most recently had a Housing Needs Assessment performed in 2020, which was referenced in the new 2023 Oxford Tomorrow Comprehensive Plan adopted in January. These studies and plans should inform policy, which can in turn inspire new regulations or amendments to existing regulations. Staff and the Fire Chief share the opinion that the legislative text allowing ADUs in the R3MS district should be revisited soon as a more broad-brush policy discussion. It may be somewhat inappropriate to consider the standards more broadly during a hearing in which an owner/applicant is within their rights to request approval per policies previously set by the City in 2017. Still, the Commission has every right to consider facts and testimony related to public health and safety, given the criteria for considering a Conditional Use, despite possibly setting a more wide-reaching precedent.
Can vehicles be deterred from impacting the garage structure?	Yes , a condition is recommended to this effect.

Can the driveway be configured to improve ingress/egress and deter lawn erosion?	Staff believes this can be done through a recommended condition and revisions to the plan to increase the driveway width to 18 feet. The curb cut/apron should also be expanded to match the width of a wider driveway. The project would likely result in a fairly steep driveway, due to site topography. All of this will still require a Code waiver to allow two (2) stacked spaces.
How will off-street parking privileges for future tenants be decided (how to be divided between units)?	The City does not typically interfere in this decision-making process for residential rental property; it is a private matter between landlords and tenants. When it comes to parking, the City regulates through zoning such things as the number of spaces, surface materials and specs, and dimensions/maneuverability.

- **Utilities:** The City Engineer has communicated the need to see details on any existing and/or proposed utility connections for the ADU. Utility details are typically reviewed by the Engineering Division upon submittal of a Building/Zoning Permit, and are not mandated by Code to be shown at the Conditional Use stage. It is not known at this time how the garage structure will be connected to sewer and water utilities, or whether separate meters will be installed. Regardless, all expenses are expected to be borne by the owner/applicant without necessitating public expenditure.

DECISION CRITERIA

All Conditional Uses shall satisfy the General Decision Standards provided in **Section 1147.02(c)(2)**. The standards found within this section are cited below with staff analysis provided for each:

- A. **The proposed use is in fact a Conditional Use appropriate in the zoning district in which it is proposed.**
The Oxford Zoning Code provides for allowance of ADUs as a Conditional Use in only the R3MS District, whereby the unit may be *in a stand-alone structure* or *located above a garage*.
- B. **The use and site will satisfy the general intent of the Zoning Code.**
Staff believes the general intent of the Zoning Code provisions for ADUs is to enable the construction of new, “dwelling-like” structures which have a similar architectural appearance to their associated larger principal dwellings. The likely policy purposes were to relieve student housing demand pressure by allowing it as infill into existing neighborhoods near campus (as opposed to demand “spilling out” into outlying areas), while also helping to preserve historic fabric. Another policy purpose may have been to facilitate a means of increasing affordable housing stock, as smaller units should in theory entail a smaller construction price tag and lead to a potentially lower rent.
- C. **The use and site will be compatible with the general intent of the Comprehensive Plan.**
The Comprehensive Plan was recently updated as of January this year. The new 2023 Plan identifies this property, as well as the neighborhood around it, as falling within the Urban Mile Square Neighborhood Character Type. In similar fashion to the previous 2008 Comprehensive Plan, the new Plan calls for preservation and enhancement of the built environment, favoring infill development, and adaptive reuse of historic buildings to help prevent demolition. The new Plan also recommends modernizing and reforming the present Zoning Code, something that has not yet had a chance to occur. The subject of ADU allowance in staff’s view is a “micro topic” in relationship to broader Comprehensive Plan goals and objectives, thus why clear direction for future regulations is not explicitly mentioned in the Plan. There is a general recommendation (H1-A2) to *expand allowance*

for ADUs, but it does not get specific in terms of which areas of the city. The topic is worthy of discussion by Planning Commission and Council as part of a future effort to revisit, revise, and/or rewrite the Zoning Code, which is also a recommendation of the Plan.

D. The size and shape of the site are sufficient for the proposed use.

The site is already developed with a single-family home and an accessory garage structure. As such, the existing degree of urban fabric would remain largely in-tact as already exists today, albeit with greater intensity of use to accommodate more residential occupants. At nearly 400 square feet in size, although the proposed ADU use meets the objective dimensional standards of the Code (comprising no more than 50% of the principal structure footprint), the discretionary nature of the Conditional Use request allows the Planning Commission and Council to consider whether the proposal is in line with the spirit of the regulations and appropriate for the neighborhood context. The structure itself already likely encroaches into required setbacks when examined as an accessory building, let alone if it were viewed the same as a stand-alone principal dwelling. A positive attribute to note is the visibility from, and orientation toward, the public street (E Collins) which is a quality not always present construction projects in the Mile Square, even ones allowed by-right.

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

The overgrown vegetation surrounding the existing structure could pose a risk of worsening potential fire spread, per the Fire Chief's comments. Staff is recommending a condition that would require trimming be done at the time of Final Zoning inspection. Obviously, from that point forward it would be incumbent on a property owner/manager to adequately maintain the vegetation. From a land use standpoint, the existence of two units on this site is not unusual for this neighborhood; the subject property borders other residential properties including those supporting single-family, multi-family, and three-family uses. A duplex is located across the street to the south.

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

The level of these types of impacts is not expected any more excessive than is characteristic for other land uses existing and/or allowed in this area of the city.

G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.

As the Code amendments were written, the implied notion is that an ADU is a potentially acceptable use which is incidental to the principal residential use of the property, even though the operation and function of the two resulting dwelling units could possibly become more separate in nature. The property manager has expressed the intent is for ADU tenants to share communal spaces in the main house, but this could change over time or with a new owner. The intent of the ADU regulations is likely to facilitate the establishment of a secondary dwelling unit which has the ability to function independently without *obligating* reliance on amenities or facilitates in the main unit.

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

The Fire Chief and Acting Police Chief raise a number of valid concerns; staff feels many of these concerns can be addressed through conditions or revisions to the plan. The feasibility and routing of water and sewer connections are not known by staff at this point.

I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.

This scope of this request is relatively minor in that it applies to a single existing residential lot. The property owner, or designee(s), would be responsible for utility connections and upgrades as necessary. The applicant indicates no public expense is anticipated.

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

It is staff's opinion that retaining and renovating the garage structure will not change the essential character and appearance of the area. However, the Zoning Code's standards related to architectural style, material, orientation, and compatibility with the principal dwelling can and should all be given consideration. The transformation of this structure to resemble a residential dwelling is highly important for public health and safety, so that in the event of emergency first responders do not mistake the structure as being used for parking, storage, or other purposes implying the lack of living space within.

- K. **The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.**

As an existing lot in a residential neighborhood without access to a public alley, it is appropriate for a driveway to be present and accessed via a curb cut off the public street. Staff's view is that the driveway should be widened to be Code-complaint and the width should extend all the way to the street.

- L. **Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

According to the Butler County Auditor, the main existing house on this property was constructed in 1909. In the pursuit of increasing density, establishing an ADU on this site could have the beneficial effect of preventing this older house from being demolished. Despite being older in age, in staff's highly subjective view the existing main structure seems architecturally unremarkable. As a one-story bungalow, its style and height is somewhat uncommon along this particular block. The garage structure currently has little to no architectural value. There are no other noteworthy natural or scenic features for this site.

- M. **All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.**

Should the Conditional Use request be approved, a Building/Zoning Permit will be required in order to officially recognize the change of use for the garage structure and approve any other building- or site-related modifications as needed.

STAFF RECOMMENDATION

Based upon a review of the Decision Standards as well as relevant facts and comments, staff recommends the Conditional Use request be **approved** subject to the following conditions:

1. A waiver to **Section 1149.06(b)(2)** is hereby granted to allow for two (2) stacked parking spaces on the driveway.
2. Consistent with **Section 1149.06(b)(4)** which requires a minimum three (3) foot setback between parking spaces and structures, a suitable elevated curb or other barrier shall be installed preventing vehicles from driving forward into the ADU structure.

3. The driveway shall be widened to 18 feet, and the width extended all the way to E Collins Street with curb cut/apron improvements as appropriate. A Curb/Gutter/Sidewalk Permit shall be obtained from the Service Department for work in the right-of-way. If driveway expansion is not feasible due to excessive slope or other engineering considerations affecting the site, and/or the obtaining of a Curb/Gutter/Sidewalk Permit does not prove to be possible, this shall render approval of the Conditional Use void.
4. Vegetation along the western and northern boundaries adjacent to the garage structure shall be trimmed to the Fire Chief's satisfaction at the time of Final Zoning inspection.

If the Planning Commission is inclined to recommend **denial** of the proposed Conditional Use, staff recommends the following findings of fact be adopted:

1. The provision of adequate on-site parking for this lot presents challenges, and would require a waiver to the Zoning Code that is not normally permitted. Generally speaking, ADU feasibility is much greater on lots which adjoin public alleys, where provisions for off-street parking is most appropriate and more easily accommodated.
2. If the garage structure was not presently in existence and was being built as a brand new ADU, it could not be allowed by Code in its current position due to setback requirements as measured from property lines and the principal structure.
3. The existing detached garage, given its small size and implied reliance on the principal unit, does not embody the spirit of the original regulations which primarily encourages the construction of new standalone structures designed to comply with the Mile Square Design Guidelines.

SUBMITTED BY:



Zachary Moore, AICP
City Planner / GIS Coordinator

DATE: March 9, 2023

EXHIBIT A

RELEVANT ZONING CODE PROVISIONS

Chapter 1147 governs the Conditional Use application and outlines the potential concerns and use regulations for each permissible Conditional Use. Section 1143.07 contains standards affecting the R3MS district, including a separate subsection specifically devoted to Accessory Dwelling Units, which in turn references standards pertaining to garages and accessory buildings in general.

1147.02(c) Planning Commission Review

The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing. If the Planning Commission finds that the information provided is insufficient to make a determination, it may suspend its review until sufficient information has been provided.

- (1) Burden of Proof.
 - A. Planning Commission has no obligation to recommend approval and City Council has no obligation to approve a Conditional Use. This Zoning Code assumes that the uses listed in this section are not appropriate unless an applicant proves that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which it is proposed.
 - B. Applicants shall prove that potential negative impacts of elements such as location, size and extent of facilities and operations, site design, traffic generation, site access, and potential impact upon public facilities will be adequately mitigated.
- (2) General Decision Standards. All Conditional Uses shall satisfy these General Decision Standards.
 - A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
 - B. The use and site will satisfy the general intent of this Zoning Code.
 - C. The use and site will be compatible with the general intent of the Comprehensive Plan.
 - D. The size and shape of the site are sufficient for the proposed use.
 - E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
 - F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
 - G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
 - H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
 - I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
 - J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
 - K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.

- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

1147.02(d) Action by Planning Commission

- (1) The Planning Commission shall recommend to Council approval, approval with conditions, or denial of an application as presented and shall clearly state the findings upon which its recommendation is based.
- (2) The Planning Commission shall base its recommendation to Council upon how well the application satisfies the General Decision Standards and the Decision Standards for the proposed use. In its recommendation, Planning Commission may waive or modify dimensional regulations of the Zoning Code, or impose more strict regulations and any additional conditions, guarantees, and safeguards it deems necessary to satisfy the purposes of this Zoning Code.

1147.03(b)(39) Accessory Building to be used as a dwelling unit

- A. Potential Concerns
 - 1. Vehicle management
 - 2. Location of the accessory building
- B. Regulations
 - 1. Relationship of its size, mass, height and square footage to the principal building
 - 2. Building style and material
 - 3. Building orientation consistent with the principal building.

1143.07(d)(16) Accessory Dwelling Units

In addition to the standards applicable to all conditional use reviews, any new accessory dwelling unit shall be subject to the following standards:

- A. An accessory dwelling unit may be in a stand-alone structure or may be located above a garage.
- B. In no case shall there be more than three dwelling units on any single lot, including any approved accessory dwelling unit.
- C. Accessory dwelling units shall only be allowed on lots with a area of 5,000 square feet.
- D. The maximum square footage of an accessory dwelling unit shall not exceed 1000 square feet or 50% of the footprint of the principal structure whichever is smaller, unless approved by the Planning Commission and City Council.
- E. The accessory dwelling unit shall be located in the rear yard.
- F. The accessory dwelling unit shall be designed to be smaller in mass, height, and square footage than the principal dwelling.
- G. The accessory dwelling unit structure shall be subject to the accessory building design guidelines of this section.

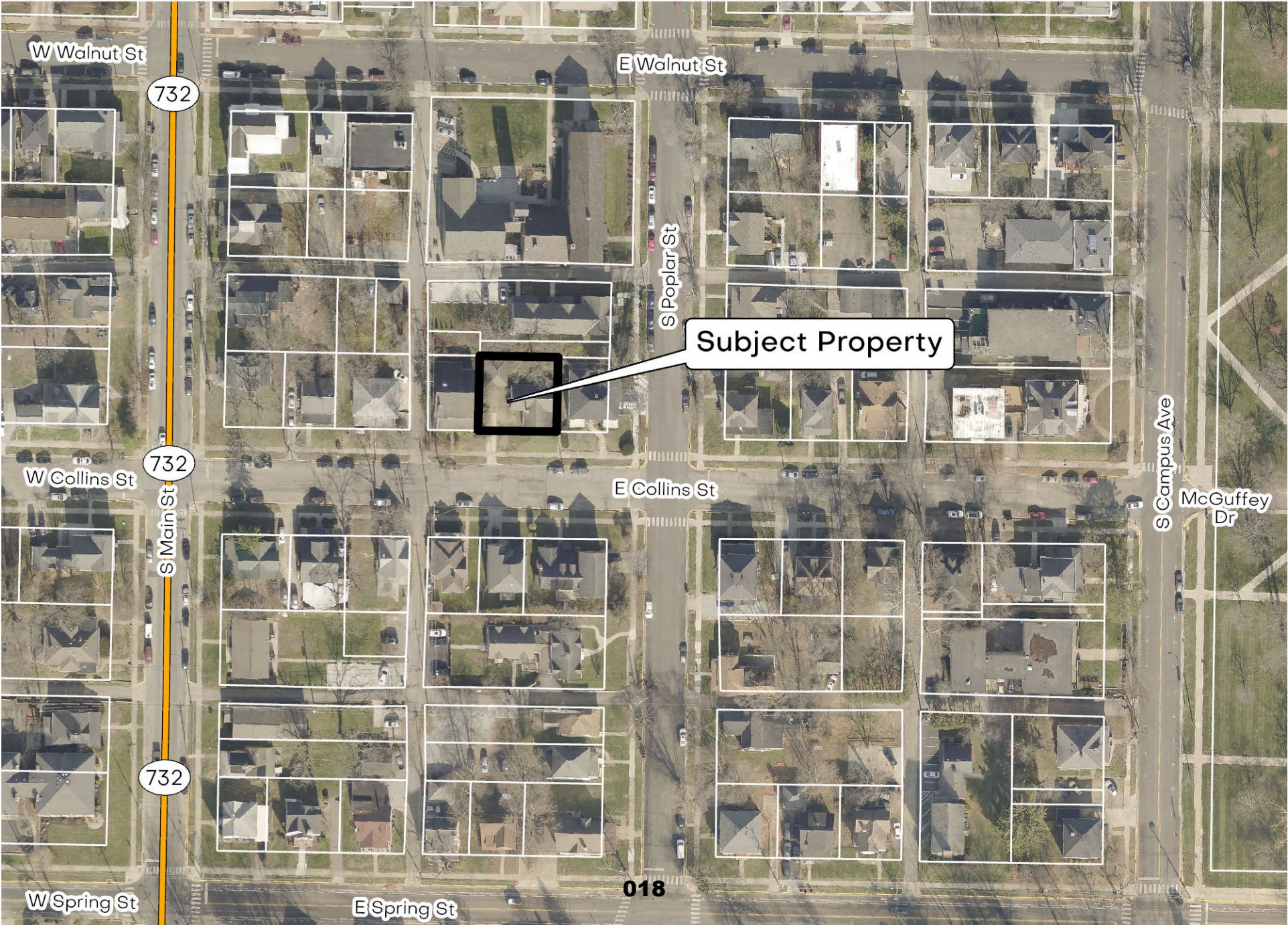
1143.07(d)(8) Garages & Accessory buildings.

- A. Street facing garages shall not comprise more than 50 percent of the ground floor building frontage. Any garage with more than two (2) car parking capacity should not directly face onto any street. The garage with more than two parking bays should have the side wall facing the street (i.e., side loading garage). All garage doors shall be compatible with the dwelling style and colors.
- B. The front façade of any garage facing on to the street shall be set back a distance equal to or more than the front façade of the remainder of the principal building.
- C. To the maximum extent feasible, a detached garage shall be accessed from the alley if alleys are available for vehicular traffic.
- D. The architectural style and materials of any accessory building generally shall be

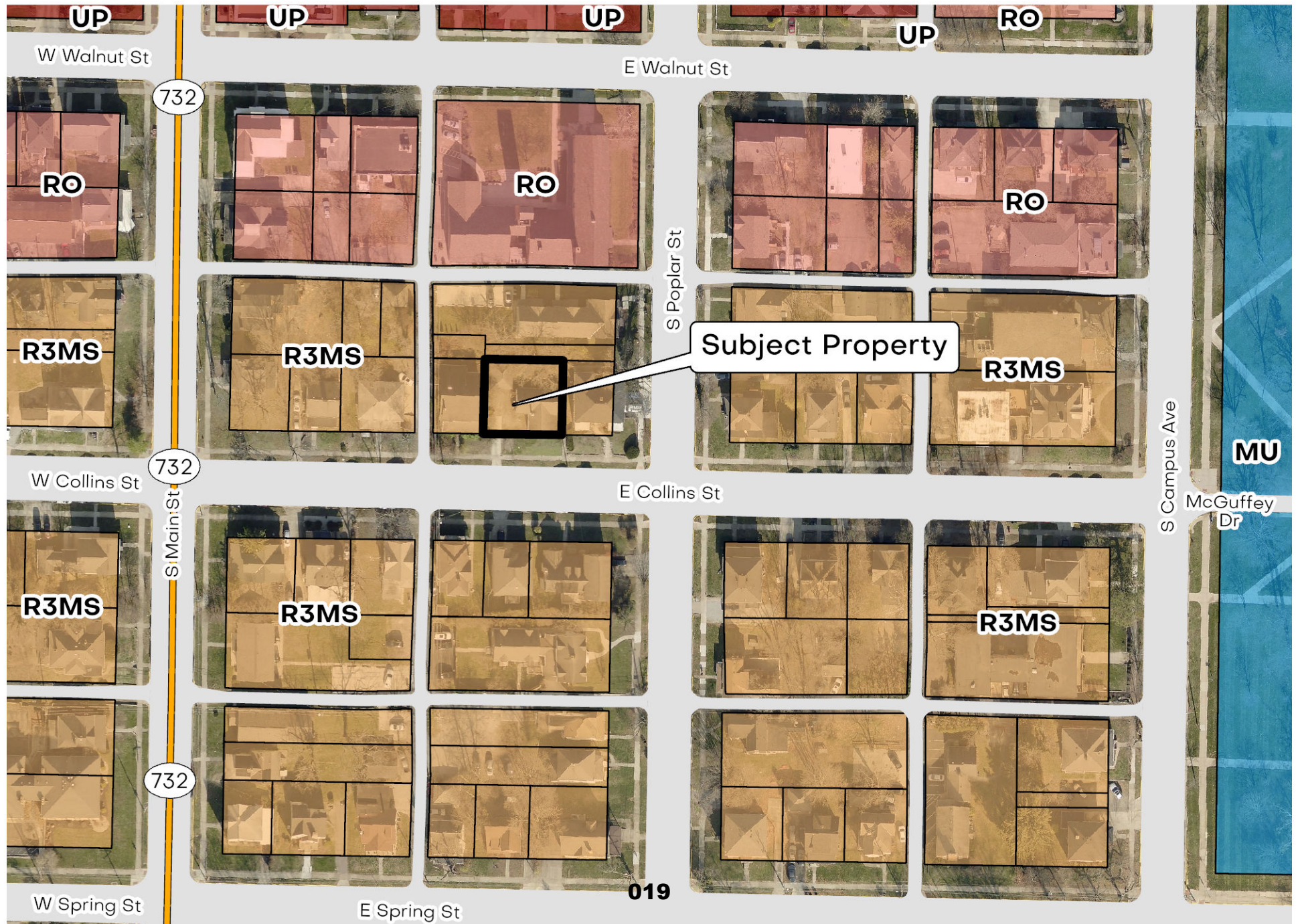
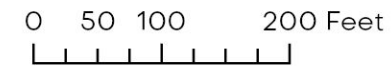
compatible with the principal building as should the roof type and roof slope. Roofs for any accessory building shall be subject to the same standards as for principal structures pursuant to Subsection (4) above.

Aerial Map

 Site



Zoning Map





Memo
Service Department
Engineering Division
513/524-5208

TO: Community Development Department

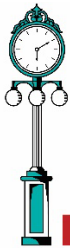
FROM: Scott Otto, P.E.
City Engineer

RE: Application #PPC-2023-02
20 E. Collins St. – Conditional Use Dwelling in Detached Garage

DATE: January 31, 2023

The Engineering Division offers the following comment:

- Future building permit application will need to provide a plan showing the proposed locations of the water service and sanitary sewer to serve this structure.



MEMORANDUM

Fire Department
513-523-6324

Fire Review Page 1

TO: Scott Webb
Applicant

FROM: John Detherage
Fire Chief

DATE: 01-31-2023

RE: PC-2023-02 | 20 E. Collins St.

The subject application is Returned, Reviewed with Comments.

1. What is the proposed use of this building? From the design and lack of cooking facilities it appears to be a hotel room or maybe designed to be a short term rental?
2. If it is intended for long term student use, I fear the lack of proper cooking facilities and counter space would encourage the use of hot plates, griddles and other portable heat sources near combustible items like furniture, window coverings and other soft goods.
3. The distance between the garage and the two adjacent houses is minimal. A fire in any of the three structures would likely spread to the other two. Adding occupants to the garage compounds that risk as there is a greater chance of human error in another occupied structure.
4. The overgrown vegetation on the neighboring property also increases the risk of fire spread, along with hiding the garage. This makes it harder for emergency services to find this structure, especially at night and in adverse weather conditions. See attached picture #1.
5. If this is allowed to move forward in this fashion, I would suggest the garage be equipped with fire sprinklers due to the proximity of the other two structures, transient guests, and the inadequate cooking facilities.
6. An additional street address would need to be created should this move forward.
7. In picture #2 you will see the amount of overgrown trees and other vegetation that would contribute to fire spread should there be a fire in one of these structures.

8. If this is intended for student use, is there a need? It is my understanding that there are numerous vacancies around town for students. Many of them are in multi-family buildings that have smoke detection, fire alarms and sprinklers already in place. Is there a need to create less safe accommodation than what is currently available for rent?

All revisions are to be submitted through the Community Development Department.

Fire Review Page 2

Untitled Map

Write a description for your map.

Fire Review Page 3

Legend

📍 20 E Collins St



Google Earth

© 2023 Google

023

6.67 ft



Untitled Map

Write a description for your map.

Fire Review Page 4

Legend

-  20 E Collins St
-  Holy Trinity Episcopal Church

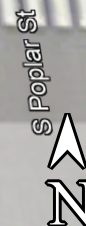
 Holy Trinity Episcopal Church

 20 E Collins St

Google Earth

024

100 ft





Oxford Division of Police
101 East High Street
Oxford, Ohio 45056

Dispatch: 513.523.4321
Office: 513.524.5240
Fax: 513.524.9111

Email:
police@cityofoxford.org

Website:
www.cityofoxford.org/police

ADMINISTRATIVE STAFF

Chief of Police
John A. Jones
513.524.5247
jjones@cityofoxford.org

Operations
Lt. Geoff Robinson
513.524.5258
grobenson@cityofoxford.org

Support Services
Lt. Lara Fening
513.524.5242
lfening@cityofoxford.org

Sgt. Ryan Sikora
513.524.5253
rsikora@cityofoxford.org

Office Manager
Amy Gabbard
513.524.5247
agabbard@cityofoxford.org

INVESTIGATIONS SUPERVISOR

Sgt. Adam Price
513.524.5259
aprice@cityofoxford.org

PATROL SUPERVISORS

Sgt. David King
513.524.5282
dking@cityofoxford.org

Sgt. Josh Jenkins
513.524.5233
jjenkins@cityofoxford.org

Sgt. Matt Hatfield
513.524.5244
mhatfield@cityofoxford.org

Sgt. Ben Hool
513.524.5254
bhool@cityofoxford.org

MEMO

To: Community Development Department
From: Lt. Geoff Robinson, Acting Police Chief
Date: 07 MAR 2023
Re: PC-2023-02 | 20 E. Collins St., Conditional Use Review

The subject application is returned, with the following questions / comments.

1. Can bollards be installed at the top of the driveway to protect building intrusion by a vehicle losing control?
2. What controls, landscaping or hardscape, can be installed along the house side of the new driveway to limit lawn/streetlawn erosion by vehicles trying to maneuver in the tight space?
3. Will a new street address be created for the new residence? Shared address such as A/B, ###.5 cause confusion when trying to locate in an emergency.
4. The area of ingress/egress nearest the driveway for both structures seems very limited due to the new driveway and proximity to parked cars.
5. How will parking privileges be decided on the new driveway for either residence? Will the driveway be split amongst the two residences? This may cause an issue police will be called to if cars are blocked in.



Courtesy Notice
Community Development Department
513-524-5204

You are receiving this notice because your property is located within 200 feet of a site set for consideration by the Oxford Planning Commission and City Council for future development that requires special approval.

CASE NO.: PC-2023-02

CASE TITLE: 20 E Collins Street, **CONDITIONAL USE**, to allow an accessory dwelling unit in the R3MS zoning district, **Scott Webb, Architect, Applicant/Agent**

HEARING DATE: March 14, 2023, 7:00pm

LOCATION: Oxford Courthouse, 118 West High Street, Oxford OH 45056

DESCRIPTION: The subject property at 20 E Collins Street currently supports a single-family dwelling permitted for up to 5 total occupants. Situated in the northwest corner of the property, at the back of an existing driveway, is a detached garage. The applicant proposes to convert the garage structure into an Accessory Dwelling Unit (ADU), thus creating additional living space for up to 2 occupants. The R3MS zoning district, which the subject site is zoned, allows ADUs to be approved through the Conditional Use process contingent on certain requirements being met. Conditional Uses are first brought to Planning Commission for a recommendation, prior to going to City Council for a final determination. Some notable features proposed as part of the project include a new covered entry, doorway, and windows at the front of the structure (to transition the garage to a more "dwelling-like" appearance), as well as an expanded driveway to accommodate two additional parking spaces on-site. Snapshots of the submitted site plan, floor plan, and building elevation can be seen on the back of this notice.

You are welcome to attend the scheduled City of Oxford Planning Commission hearing as noted above. If you cannot attend, but would like to comment on this matter, please complete this form and return it at your earliest convenience to **City Planner Zachary Moore, 15 S. College Avenue, Oxford, OH 45056**. You may also email any comments or questions to zmoore@cityofoxford.org.

You can view the most up to date meeting information and agenda at any time by going to cityofoxford.org and scrolling to the bottom of the homepage to view the **City Meetings & Events** calendar

NAME (PRINT): Dennis Day

ADDRESS: 5350 Brown Rd - PO Box 849

TELEPHONE: Home 513 523 2638 Cell _____ Work _____

COMMENT (You may attach a separate note or letter if more space is needed):

I support the addition to the property located at 20 E. Collins. It will look nice and provide additional housing

**Internal Use Only:**

Case No.

PC-2023-02

Date Filed

1/23/2023 E.M.

Conditional Use Permit Application

Applicant Information

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

Name * Scott Webb, Architect

Mailing Address * 103 West Walnut Street

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-523-3838

Email Address scott@scottwebbarchitect.com

Owner Information

Name * William A Phillips Trust Etal of the William A Phillips Irrevocable Trust

Mailing Address * 5735 Booth Road

City, State & Zip Code * Oxford, Ohio 45056

Telephone Number(s) * 513-524-8616

Email Address N/A

Location and Lot Information

Location of Property * 20 East Collins Street

Legal Description * Parcel #H4100003000133

Zoning District * R3MS

Total Area * 5,940 → Check One * Acres ☐ Square Feet ☒

Existing Use Description * Single Family Residence

Proposed Use Description * Adaptive reuse of a former garage to an accessory dwelling unit

Submission Requirements and Documentation

From Section 1147.02(a)¹.

- (1) Contents of application for conditional use permit. Thirteen complete sets of all information shall be submitted with an application. The Zoning Administrator may modify this requirement based upon the type of materials included. Please contact the Zoning Administrator prior to submitting an application to discuss the submission requirement. If any information is submitted in color or on non-standard paper, more copies may be required.

A. Application Fee.

B. Description of Use and Site.

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. The name, mailing address, and telephone number of the applicant and the property owner.

2. If the applicant is not the owner, a statement from the owner that the applicant is entitled to apply on his or her behalf.

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

4. A description of the existing uses of the site.
 5. The zoning district in which the site is located.
 6. A description of the proposed use.
 - a. A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery, and service vehicles.
 - b. The hours of operation.
 7. A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties.
 - a. How the use is similar to or different from existing area uses and if there will be any interaction between the proposed use and existing uses.
 - b. How any existing structures, proposed structures, and the site design relate to adjacent structures and sites.
 - c. If the use will involve any operations that create potential nuisances such as excessive noise, lighting, odor, fumes, vibration, or emissions.
 - d. How any potential negative effects on adjacent land will be mitigated.
 8. A statement about why the location proposed is more appropriate for the use than other locations.
 9. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
 10. Separate, detailed statements that individually address each of the items listed as potential concerns for the proposed use.
 11. A list of the names and mailing addresses of all land owners within 200 feet of the site (see [next section](#)).
 12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.
- C. Site Plan. A scaled site plan shall include the following information in detail. The required information may be submitted on multiple site plans if inclusion of all information on a single plan makes it illegible or difficult to understand.
1. North arrow.
 2. Scale.
 3. Vicinity map.
 4. All existing and proposed lot lines within the site.
 5. Dimensions of all lots and of the entire site and any adjacent rights-of-way.
 6. Location, height, and use of all proposed and existing structures.
 7. Location and design of all proposed vehicle management areas.
 8. Location, size, and type of all proposed signs.
 9. Location, height, and type of all proposed screening and landscaping.
 10. Distances to residential zoning districts if within 1,000 feet.
 11. The use of land and location of structures on adjacent property and across adjacent rights-of-way.
 12. Other information as required by the Planning Commission.
- D. Landscape Plan. The plan shall demonstrate compliance with the requirements of Chapter 1148.
- E. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.
- F. Other. Photographs of the existing use and its surroundings.

See Chapter 1147, Conditional Uses, for the full text, particularly 1147.03 for use-specific regulations¹.

Surrounding Property Owners

On a separate sheet, provide the parcel numbers, names, and mailing addresses of all property owners within 200 feet of all boundaries of the property in question. The [Butler County Auditor Real Estate Search](#)² is helpful when searching for the mailing address of adjoining property owners. It allows you to search by owner, address, or parcel number.

Planning Commission Review

From Section 1147.02(c)¹.

The Planning Commission shall base its review of a proposed Conditional Use upon the complete application, upon any staff report, and upon any relevant and credible testimony presented during the public hearing.

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

From Section 1147.02(c)(2) General Decision Standards¹. All Conditional Uses shall satisfy these General Decision Standards.

- A. The proposed use is in fact a Conditional Use appropriate for in the zoning district in which it is proposed.
- B. The use and site will satisfy the general intent of this Zoning Code.
- C. The use and site will be compatible with the general intent of the Comprehensive Plan.
- D. The size and shape of the site are sufficient for the proposed use.
- E. The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.
- F. The use will not involve activities, processes, materials, equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare, odors, or other emissions.
- G. The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.
- H. The use and site will be adequately served by public facilities and services such as streets, water and sewer, drainage structures, police and fire protection, and refuse disposal, or adequate provisions will be made to provide the same services privately.
- I. Development of the site and operation of the use will not require substantial public expenditure for additional infrastructure or services.
- J. The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area. Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district.
- K. The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.
- L. Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- M. Proposed construction will not result in the complete elimination of existing mature trees on the site. Effort shall be made to direct disturbance and construction around or away from existing mature trees without completely taking away use of the site or connectivity to existing infrastructure.
- N. All necessary permits and licenses for the Conditional Use and its operation have been or can be obtained for the use at the proposed location.

Fees & Receipt

The required fees are \$525.00 plus \$10.00 for postage. You may write a \$535.00 check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Date *


1/23/23

Submit Application, Submission Requirements and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with required plans and documentation as attachments and a check for fee and postage made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

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

For Staff Use Only

Fee Paid Date *

1/23/23

Receipt Number *

446837

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

² Butler County Auditor Real Estate Search: <http://www.butlercountyauditor.org/>

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

Scott Webb, Architect

(Applicant Name)

has permission to represent our interest with the City of Oxford regarding
a Conditional Use for an Accessory Dwelling Unit in the R3MS District

(Application Description)

located at

20 East Collins Street

(Property Address/Location)

Thank you,

Albert Phillips

(Property Owner Printed Name – must be a person)

College Property Management

(Property Owner Company Name – if applicable)

Albert Phillips

(Property Owner Signature – must correspond to printed name above)

1/23/23

(Date)

Sam Perry
Community Development Director
City of Oxford
Municipal Building
15 South College Ave.
Oxford, Ohio 45056



SCOTT
WEBB

A R C H I T E C T

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838

www.scottwebbarchitect.com

Re: Application for Conditional Use
Proposed Accessory Dwelling Unit
20 East Collins Street

January 23, 2023

Dear Mr. Perry,

Please accept this letter as a formal request for a review hearing by the City of Oxford Planning Commission and Oxford City Council for a Conditional Use for an Accessory Dwelling Unit in the R3MS Zoning District.

In response to the items listed in 1147.02, we offer the following:

A. *A description of the proposed use.*

B. *Description of Use and Site*

A written, detailed description shall include the following information. A separate response is required for each subsection.

1. *Description of Use and Site*

The name, mailing address, and telephone number of the applicant and the property owner.

Property Owners:

William A Phillips Trust Etal
Of the William A Phillips Irrevocable Trust
5735 Booth Road
Oxford, Ohio 45056

Architect:

Scott Webb, Architect
103 West Walnut Street
Oxford, Ohio 45056

2. *A statement from the owner that the applicant is entitled to apply on his or her behalf.*

A letter of Agency has been provided from the property owners

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

Parcel Number: H4100003000133

4. *A description of the existing uses of the site.*

The site is currently occupied by a single family residence that has been used as a student rental for many years. The existing detached garage is the subject of this application.

5. *The zoning district in which the site is located.*

The site is zoned R3MS – Single, Two, and Three Family Mile Square Residential District.

6. *A description of the proposed use.*

The proposal at hand is to allow the adaptive reuse of the original detached garage as an accessory dwelling unit.

a. *A description of operations, including type of goods sold, services performed, and expected number of customer, clientele, delivery & service vehicles*

Not Applicable.

b. *Hours of operation*

Not Applicable

7. *A narrative statement that evaluates the compatibility of the proposed use with the general vicinity and adjacent properties;*

a. *How is the use similar to or different from existing area uses and if there will be any interaction between the proposed and existing uses*

This area of the Mile Square is predominately student rentals in former single family homes and was recently upzoned in the last Mile Square Zoning Map Amendment to encourage infill development based on its adjacency to Campus.

Rather than replace the existing house and garage in favor of a new 2 or 3-family structure, the owners are proposing to provide an additional dwelling unit in the original garage building.

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

With all buildings existing, design changes will be minimal and will preserve the neighborhood.

c. *If the use will involve any operations that create potential nuisances, such as excessive noise, lighting, odor, fumes, vibration, or emissions.*

The proposed residential use will not create any new nuisances.

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

No negative effects are anticipated.

8. *A statement about why the location proposed is more appropriate for use than other locations;*

Planning Commission specifically created this conditional use for this zoning district.

9. *A statement of the necessity or desirability of the proposed use to the neighborhood or community.*

Planning Commission and City Council decided to encourage infill development and allow increased density in an area near campus through the latest zoning map amendment. Additionally, they created this conditional use to allow new opportunities for dwelling units on some large lots in this district, potentially saving the original Mile Square houses

10. *Separate detailed statements that individually address each of the items listed as potential concerns for the proposed use.*

1147.03 (39) Accessory Dwelling Unit

A. Potential Concerns:

1. Vehicle Management

The existing site provides off-street parking on a paved area between the main house and the existing garage. The proposal at hand expands this paving area behind the sidewalk and vacated right-of-way to allow (2) additional cars.

2. Location of Accessory Building

The accessory structure is existing, and is located in the rear yard as required.

B. Regulations:

1. Relationship of its size, mass, height and square footage to the principal building

At less than 400 square feet the existing building is below the 1,000 max. area and less than half of the principle building footprint.

2. Building style and material.

The original garage was likely constructed around the time of the principal structure. The owners intend to adaptively reuse the building as an accessory dwelling unit, relocating the front door to the face the street and provide a new covered entry.

3. Building orientation consistent with the principal building

As shown on the attached aerial views, the building is appropriately located behind the house.

11. A list of the names and mailing addresses of all land owners within 200 feet of the site.

List of adjacent property owners is attached.

12. Such other information regarding the proposed use, site, or surrounding area as may be pertinent to the application or required by Planning Commission.

The proposal at hand is exactly the type of building and adaptive reuse model envisioned by the Planning Commission when this conditional use was added to the R3MS district.

C. Site Plan

A Site Plan with the required information is included with this application.

D. Elevations of proposed structures, or typical elevations if structures are not yet designed, shall be required by the Zoning Administrator if the proposed location, height, or bulk of the structure is such that it may negatively affect an adjacent use.

Photographs of the existing buildings are provided with a proposed elevation, showing the new entry porch.

E. Other. Photographs of the existing use and its surroundings

Photos are included with this application.

In response to the Decision Standards outlined in 1147.2(c), we offer the following:

- A. *The proposed use is in fact a Conditional Use appropriate for the Zoning District in which it is proposed;*

1143.07(a)(2)K. Accessory Dwelling Units

The proposal at hand describes the adaptive reuse of an existing garage for an accessory dwelling unit

- B. *The use and site will satisfy the general intent of the Zoning Code;*

The conditional use for an accessory dwelling unit in the R3MS Zoning district was recently adopted for this purpose

- C. *The use and site will be compatible with general intent of the Comprehensive Plan;*

The Comprehensive Plan calls specifically for the preservation of the historic housing stock in the Mile Square and its general character.

Planning Commission & City Council created this conditional use as a means to increase density in this quadrant of the Mile Square to encourage infill development while preserving original Mile Square houses

- D. *The size and shape of the site are sufficient for the proposed use.*

All buildings, drives, and parking areas are existing to remain. No change in the site is required by this conditional use

- E. *The use will not be hazardous or disturbing to existing or potential future neighboring uses that are permitted in the zoning district.*

This additional dwelling unit will not be disturbing or hazardous to the neighborhood.

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

Only Residential occupancies are permitted in this district.

- G. *The only accessory uses will be directly related to the operation of the principal use and will not be operated independent of the principal use.*

The additional dwelling unit is the same as the principal use as was intended by the Zoning Code.

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

All utilities are available at the proposed location. No special provisions are required.

- I. *Development of the site and operation of the use will not require substantial public expenditure for infrastructure or services.*

No public expense is anticipated by this project.

- J. *The site will be designed, constructed, and maintained in a character harmonious in appearance and general character with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.*

Structures to be constructed, reconstructed, or altered in a residential zoning district shall have the appearance of residential buildings permitted in the zoning district

The addition of a front facing door and covered porch to the existing structure is in accordance with the Mile square Design Guidelines.

- K. *The site is designed so that on-site traffic and traffic accessing the site will not inappropriately impact the movement of traffic on adjacent public streets.*

The site currently provides off-street parking. The proposal at hand expands this off street parking.

- L. *Proposed construction will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.*

There are no scenic or natural resources in this area

- M. *All Necessary permits and licenses for the Conditional Use and its operation have been obtained or can be obtained for the use at the proposed location.*

All permits will be secured for the construction of this building.

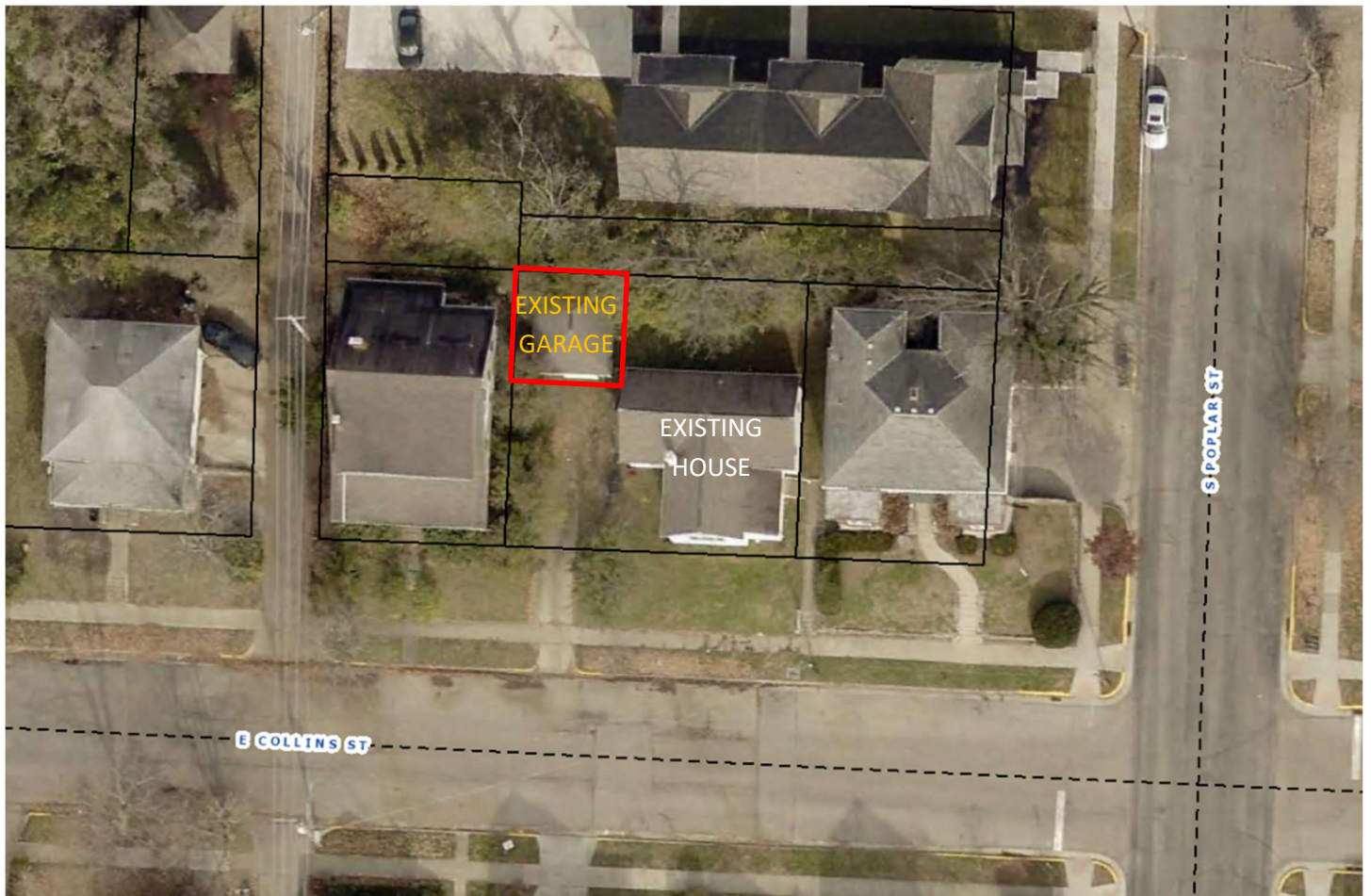
Thank you for your consideration of this proposal. If you have any questions or need any additional information, please call.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Scott Webb', is written over a light blue rectangular background.

Scott Webb, Architect

20 East Collins Street



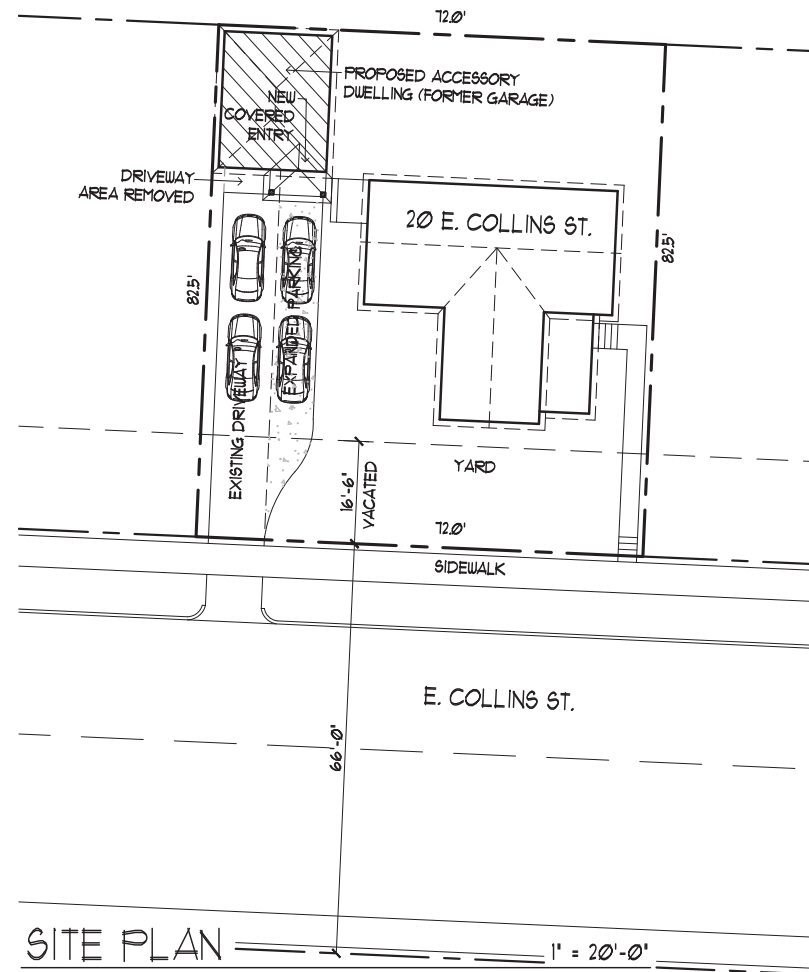
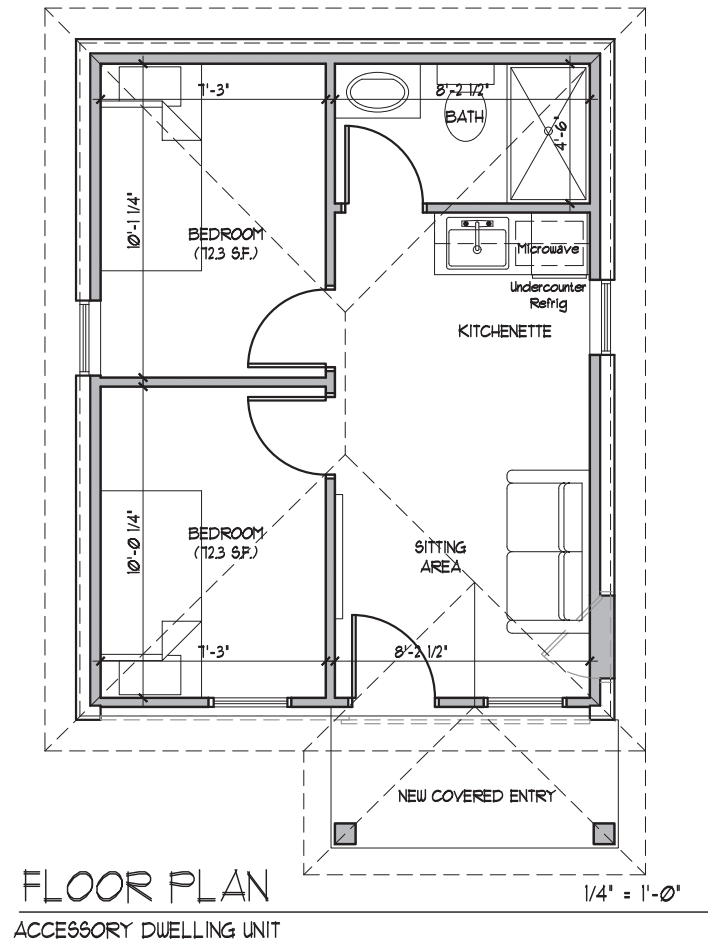
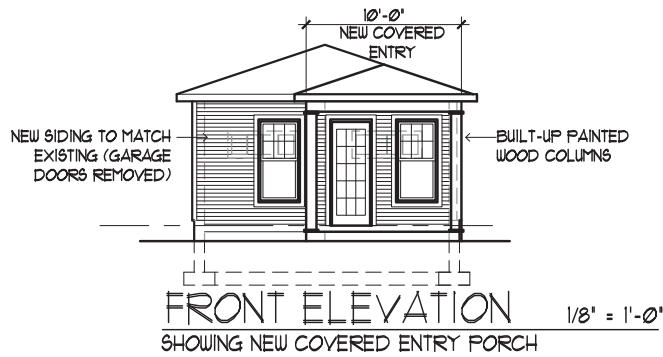
Aerial View showing relationship between main house and existing accessory building



20 East Collins Street showing garage to the rear



Existing Garage to be re-used



ZONING (R3MS ZONING DISTRICT)

OVERALL LOT AREA: (4,000 SF MIN. SINGLE-FAMILY) 5,940 SF
OVERALL LOT WIDTH: (40' MIN) 72.0 FEET

LOT COVERAGE

EXISTING 2-STORY HOUSE & PORCH: 1,258 SF
EXISTING GARAGE CONTAINING DWELLING UNIT 380 SF
NEW COVERED PORCH (NET REMOVING DRIVEWAY) -30 SF
EXISTING PAVED AREA (SIDEWALK & DRIVEWAY): 473 SF
PROPOSED EXPANDED PARKING 315 SF
TOTAL: 2,096 SF

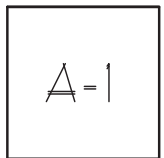
ACTUAL LOT COVERAGE: 2,906 SF / 5,940 SF = 35.3%
ALLOW. LOT COVERAGE: R3MS = 45%

PARKING

(4) SPACES REQUIRED - (4) PROVIDED



DATE
January 23, 2022
REVISIONS



January 13, 2023

Scott Webb, Architect
103 W Walnut Street
Oxford, OH 45056

VIA EMAIL:

scott@scottwebbarchitect.com

RE: Preliminary Zoning Review for 20 E Collins Street – Accessory Dwelling Unit (ADU)

Dear Mr. Webb:

As requested, I have reviewed your plans received January 5, 2023 for a potential new Accessory Dwelling Unit (ADU) in an existing rear accessory building at 20 E Collins Street in Oxford. The property is zoned R3MS Single, Two and Three-Family Mile-Square Residential District. This is only a preliminary review based upon the details currently provided. In order to become eligible for the establishment of a new ADU on this property, approval of a [Conditional Use](#) by Planning Commission and City Council is required as a prerequisite. Should a Conditional Use be approved by Council, a Building Permit would then be required in order to acknowledge the change of use and approve changes to the building and/or site necessary to establish the ADU. Any differences in plans submitted at the time of Permit review may reveal new or revised comments different than those appearing below.

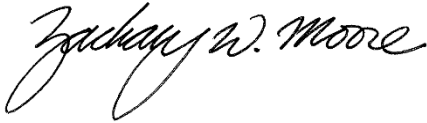
Preliminary comments on submitted plans are as follows:

1. The principal structure on this site is a single-family dwelling that is permitted for up to 5 unrelated occupants, per a recorded 1999 Housing Agreement. This technically makes the existing single-family use non-conforming with respect to the occupancy limit.
2. The Code Enforcement Officer has reviewed the proposed internal layout for the ADU, and has commented that he does not see any issues at this time in terms of Property Maintenance Code compliance. Based on the square footages of the bedrooms and living/dining combined space, the maximum occupancy allowed from a PMC perspective alone would be 2.
3. **Section 1143.07(d)(16)(B)** specifies that *in no case shall there be more than three dwelling units on any single lot, including any approved accessory dwelling unit*. In consideration of the existing single-family use already present on-site, it appears this particular provision could be sufficiently met should a Conditional Use be approved; the end result would be a total of 2 dwelling units permitted for up to 7 total occupants (5 in principal dwelling + 2 in ADU).
4. **Section 1143.07(d)** outlines a number of design standards for Mile Square residential properties. Most of the standards tend to anticipate brand new developments/structures. Seeing as how the rear structure on this lot is existing and could be repurposed, many of the design standards would not have direct applicability to the request at hand. Thus, there is some similarity to the conditions inherent to the previous ADU approved at 305 N Main Street in 2020. It is my assessment that the following standards in particular should be observed with respect to assembling a more complete Conditional Use proposal for an ADU:
 - a. **Section 1143.07(d)(8)(A)** specifies that *new residential structures are encouraged to include porches and stoops as design elements, which serve to enhance the physical and social components of the neighborhood*. Consideration should be given to enhancing the existing structure so that its exterior design better conveys use as a dwelling unit, as opposed to a detached garage. This will improve aesthetics on the property, and also be beneficial from a health and safety standpoint should first responders be called to the scene of an emergency within the ADU. The Fire Chief has previously commented that first responders may be confused if the outward appearance of the structure does not resemble a dwelling unit.

- b. **Section 1143.07(d)(9)(D)** specifies that *the architectural style and materials of any accessory building generally shall be compatible with the principal building as should the roof type and roof slope*. Again, since the structure is existing with the intent of being repurposed, some of these aspects may be negotiable through the Conditional Use process. The Butler County Auditor website identifies the material of the existing accessory structure as wood frame or concrete block. In contrast, the principal structure appears to utilize stucco exterior material. Staff feels that if the exterior of the ADU can be improved to portray a look, color and texture similar to the principal building, it will better align with the spirit of the Code.
5. **Section 1147.03(b)(40)(A)(1)** cites “vehicle management” as a potential concern when approving an ADU. The addition of a new residential dwelling unit on a property typically requires the provision of two (2) additional off-street parking spaces, per **Section 1149.05(a)**. Entertaining any other alternative or variation thereof would in essence be construed as a requested Code waiver during the Conditional Use process. Based on the submitted site plan, the existing driveway appears to provide sufficient area for two (2) vehicular spaces, which already service the existing principal single-family dwelling. Parking facilities serving existing uses cannot normally be reduced below the minimum requirements, per **Section 1149.02(e)**. Some existing gravel surfaces may need to be hard-surfaced in order to comply with **Section 1149.03(a)**. Staff’s read of the Zoning Code is that when an ADU enters the picture for any given site, two (2) more off-street spaces should be provided somewhere on-site in a manner that complies with the design standards of **Section 1149.06** thus allowing for suitable movement of vehicles in and out of the parking area without driving over non-paved areas. At this time, staff is of the opinion that the apparent inability to provide sufficient off-street parking is the single most significant factor discouraging potential approval of an ADU for this site.

Please contact me if you have any questions.

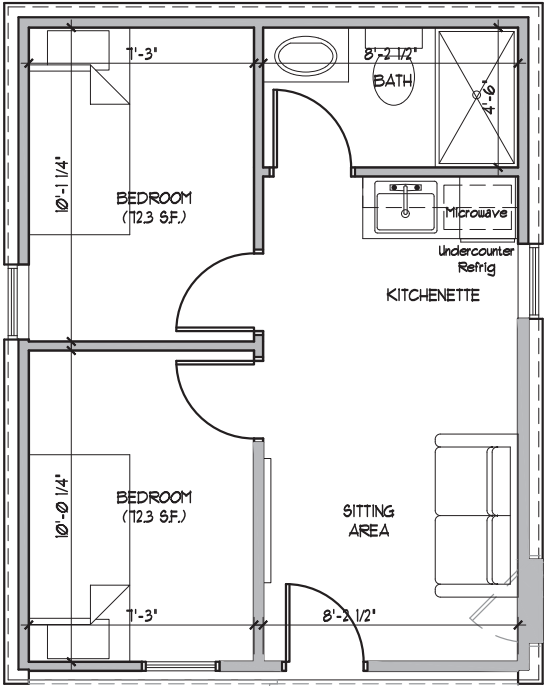
Respectfully,



Zachary Moore, AICP
City Planner / GIS Coordinator
zmoore@cityofoxford.org
513-524-5204

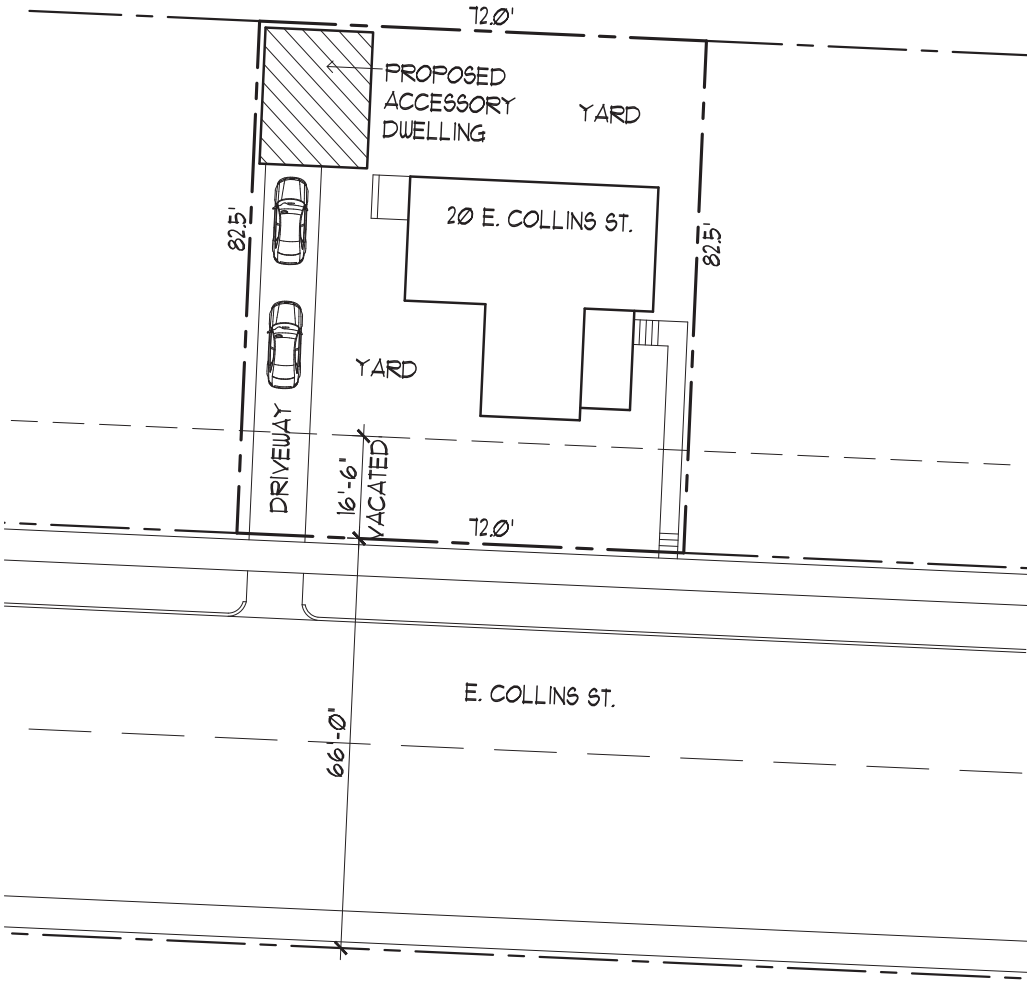
Preliminary Zoning
Review Page 2

ZONING	(R3MS ZONING DISTRICT)
OVERALL LOT AREA: (4,000 SF MIN. SINGLE-FAMILY)	5,940 SF
OVERALL LOT WIDTH: (40' MIN.)	72.0 FEET
LOT COVERAGE	
EXISTING 2-STORY HOUSE & PORCH:	1,258 SF
EXISTING GARAGE CONTAINING DWELLING UNIT	380 SF
EXISTING PAVED AREA (SIDEWALK & DRIVEWAY):	473 SF
TOTAL:	1,811 SF
ACTUAL LOT COVERAGE:	1,811 SF / 5,940 SF = 30.5%
ALLOW. LOT COVERAGE:	R3MS = 45%
PARKING	
(2) SPACES REQUIRED - (2) PROVIDED	



FLOOR PLAN

1/4" = 1'-0"



SITE PLAN

1" = 30'-0"

ACCESSORY DWELLING UNIT





SCOTT
WEBB
ARCHITECT

103 West Walnut Street
Oxford, Ohio 45056
(513) 523-3838
www.scottwebbarchitect.com

PROPOSED ACCESSORY DWELLING UNIT

20 E. Collins Street

OXFORD, OHIO 45056

DATE	January 4, 2022
REVISIONS	

A=1



MEMORANDUM
Community Development Department
513-524-5204

TO: Oxford Planning Commission

FROM: Sam Perry, AICP
Director

DATE: March 9, 2023

RE: **Previous Approval PC-2023-03**

No action is requested of the Planning Commission on the following case. This lot consolidation has already been administratively approved, which is allowed by Chapter 1101.600 of the Oxford Codified Ordinances. These documents are being included as information only.

APPROVED BY
OXFORD PLANNING COMMISSION THIS 27th
DAY OF February 2023
Corey Watt
PLANNING COMMISSION CHAIR
Sam Perry Sam Perry
COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT A

60 0 60 120
SCALE IN FEET

OH SPC SOUTH ZONE
NAD 83 (2011)

SUBJECT
PROPERTY

LOCATION MAP
NOT TO SCALE

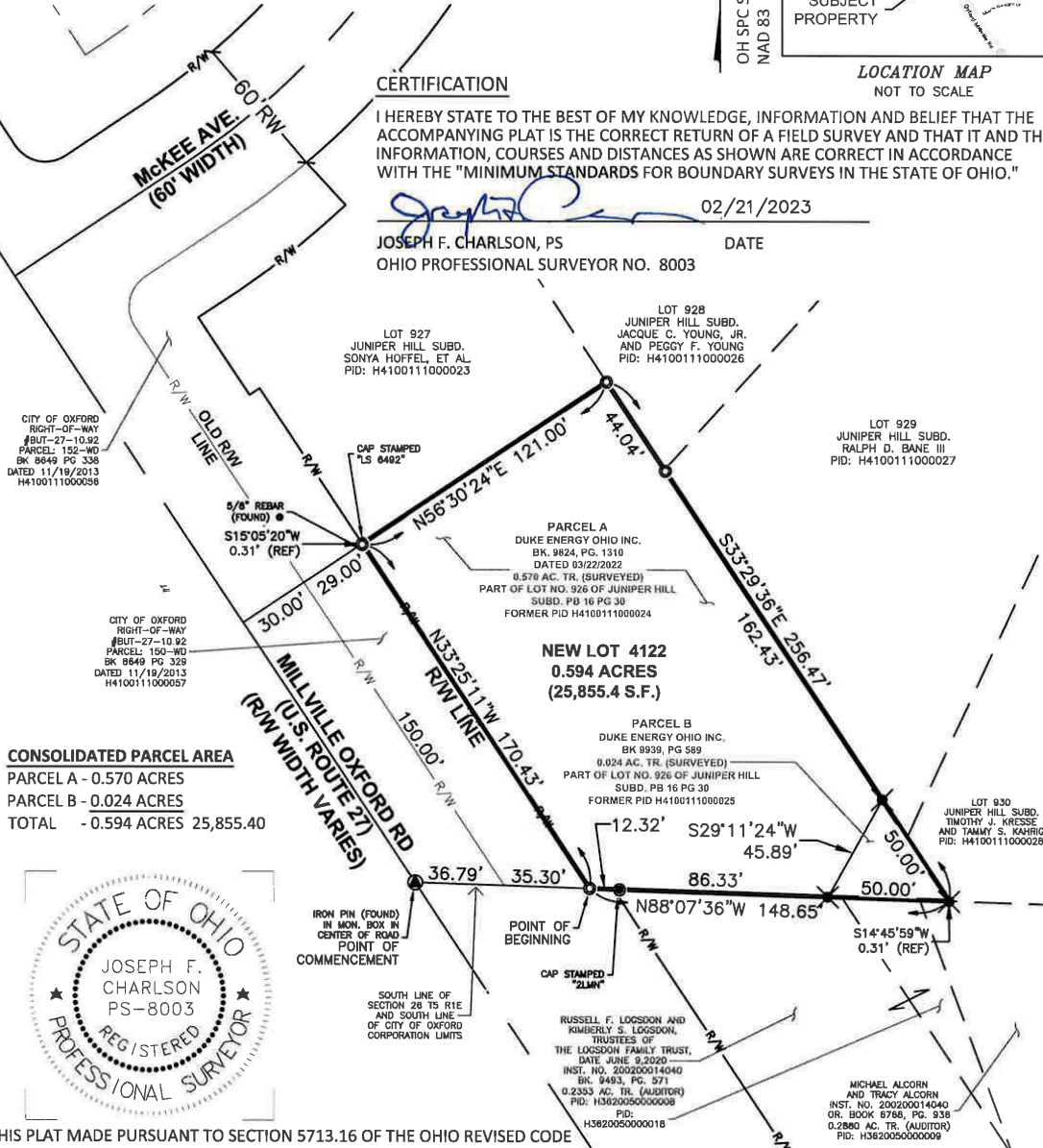
CERTIFICATION

I HEREBY STATE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THE ACCOMPANYING PLAT IS THE CORRECT RETURN OF A FIELD SURVEY AND THAT IT AND THE INFORMATION, COURSES AND DISTANCES AS SHOWN ARE CORRECT IN ACCORDANCE WITH THE "MINIMUM STANDARDS FOR BOUNDARY SURVEYS IN THE STATE OF OHIO."

JOSEPH F. CHARLSON, PS
OHIO PROFESSIONAL SURVEYOR NO. 8003

02/21/2023

DATE



CONSOLIDATED PARCEL AREA

PARCEL A - 0.570 ACRES
PARCEL B - 0.024 ACRES
TOTAL - 0.594 ACRES 25,855.40



THIS PLAT MADE PURSUANT TO SECTION 5713.16 OF THE OHIO REVISED CODE

LEGEND

- 5/8" REBAR (FOUND)
 - 5/8" REBAR (SET)
 - ✕ NAIL (FOUND)
 - IRON ROD IN MON. BOX (FOUND)
 - TCE TEMP. CONSTRUCTION EASEMENT
 - USSE UTILITY STATION SITE EASEMENT
 - POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - R/W RIGHT OF WAY
- SUBJECT PARCEL
 - - - SUBJECT EASEMENT
 - - - R/W STREET RIGHT OF WAY
 - ADJACENT PARCEL
 - - - EXISTING EASEMENT
 - CENTERLINE
 - - - TIE LINE

NOTES

1. SUBJECT PROPERTY SURVEYED AND MAPPED FOR: (DUKE ENERGY GAS).
2. AREA BY COORDINATE COMPUTATION METHOD.
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.
4. PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS, & RIGHTS OF WAY.
5. SURVEY IS BASED ON PHYSICAL EVIDENCE AND EXISTING MONUMENTATION FOUND DURING THIS SURVEY.



71 Cavalier Blvd, Suite 213
Florence, KY 41042
PH: (859) 918-5005

SAM.PROJ#: 75605

REVISIONS

DUKE PROJ#: AW4887

LOT CONSOLIDATION

4210 Millville Oxford Road (U.S. 27)
State of Ohio, County of Butler,
City of Oxford
Section 26, Township 5 Range 1E

DATE: 01/31/2023

DRAWN BY: J.L.E.

CHECK BY: J.F.C.

TRACT#:

SCALE: 1"=60'

DEED:

DUKE ID #: 103018

LU #: 1187190



**DUKE
ENERGY®**

535 S. TRYON STREET
CHARLOTTE, N.C. 28202
TELEPHONE NO. 800-641-7762

1 OF 1

NEW LOT NO. 4122

LEGAL DESCRIPTION

0.594 ACRES

Situated in the State of Ohio, County of Butler, City of Oxford, Section 26, Township 5, Range 1E, being a parcel of land lying on the easterly side of Millville Oxford Road (U.S. 27), being part of Lot No. 926 of Juniper Hill Subdivision, as depicted in Plat Book 16, Page 30 in the Butler County Recorder's Office, and being more particularly described as follows:

Commencing for reference at an iron pin (found) in a metal monument box located in the centerline of Millville Oxford Road (U.S. 27), said point being in the south line of Section 26;

Thence continuing along the south line of Section 26, South 88°07'36" East, for a total distance of 72.09 feet to a point in the easterly right-of-way of Millville Oxford Road (U.S. 27), being a 5/8" rebar with yellow cap (set), at the southwest corner of the Grantor's property, being the **True Point of Beginning** of the property described herein;

Thence continuing with the said easterly right-of-way, North 33°25'11" West for a distance of 170.43 feet to a point at the Grantor's northwest corner, being referenced by a 5/8" rebar with orange cap (LS #6492)(found), and also being referenced by a 5/8" rebar, no cap (found) at South 15°05'20" West for a distance of 0.31 feet;

Thence leaving the said easterly right-of-way and continuing North 56°30'24" East for a distance of 121.00 feet to a point at the Grantor's northeast corner, being in the common line to Lot No. 927 and Lot No. 928 of the Juniper Hill Subdivision, being referenced by a 5/8" rebar (found);

Thence continuing with the Grantor's easterly line and the southwesterly line of Lots No. 928 and 929, South 33°29'36" East for a distance of 44.04 feet, being referenced by a 5/8" rebar (found), a distance of 162.43 feet, being referenced by a mag nail (found), a total distance of 256.47 feet, being referenced by a mag nail (found) at South 14°45'59" West for a distance of 0.31 feet, said point also being in the south line of section 26;

Thence continuing with the Grantor's southerly line, and the south line of Section 26, North 88°07'36" West for a distance of 50.00 feet to a point being a mag nail (found), a distance of 86.33 feet, to a point being referenced by a 5/8" rebar stamped "2LMN," a total distance of 148.65 feet being to the **Point of Beginning**.

The above-described parcel of land contains 0.594 acres (25,855.4 s.q.), more or less, as surveyed by Joseph F. Charlson, Registered Professional Surveyor No. 8003 of Surveying And Mapping, LLC (SAM), in December of 2022.

The basis of bearings for this description are Ohio State Plane Coordinate System, NAD 83 (2011), Ohio South 3402 and iron pins set are 5/8" by 30" long rebar with plastic identification cap stamped "SAM LLC".

The purpose of this legal description is to consolidate Butler County Auditor's PID numbers H410011100024 (Parcel A – DB 9824 PG 1310) and H410011100025 (Parcel B – DB 9939 PG 591).



Joseph F. Charlson, PS

2/21/2023

Date

Ohio Professional Surveyor No. 8003





Internal Use Only:	
Case No.	PC-2023-03
Date Filed	2/21/2023

Lot Split/Consolidation Application

Requested Action

Choose One

☐

Lot Split (\$50)

☒

Lot Consolidation (\$50)

☐

Lot Split & Consolidation (\$100)

Applicant Information

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

Name * Derrick Daily

Mailing Address * 71 Cavalier BLVD

City, State & Zip Code * Florence, KY 41042

Telephone Number(s) * 859-818-3939

Email Address derrick.daily@sam.biz

Surveyor Information

Name * Joseph Charlson

Mailing Address * 929 Eastwind Drive, Suite 201

City, State & Zip Code * Westerville, OH 43081

Telephone Number(s) * 614-787-7303

Email Address joseph.charlson@sam.biz

Location and Lot Information

Location of Property * 4120 Millville Oxford Road

Legal Description * BK. 9824, PG. 1310, BK. 9939, PG. 589

Zoning District * R-1A Number of Lots * 2 Total Area * 0.594 Acres

Submission Requirements and Documentation

From Chapter 1101 Subdivision Regulations, Attachment G¹.

No.	Required Item Description	Have	Need
1	8 plats (4 on 8.5" x 11" and 4 on 24" x 36" Bond Paper) 1 Mylar for County	☐	☐
2	Electronic version of all documentation submitted (PDF preferred)	☐	☐
3	Digital copy in Auto CAD format submitted on a CD. Shall utilize the NAD-83 Ohio South State Plane Coordinate System for horizontal control and the NAVD-1988 for vertical control. All subdivision boundary corners shall also be tied to the NAD-83 Ohio South State Plane Coordinate System and labeled with a north- ing and easting, as well as centerline intersections, temporary turn-around center points and easement centerline that does not follow a lot line. AutoCAD layouts shall be provided allowing for the reproduction of a complete set of plans as needed.	☐	☐

No.	Required Item Description	Have	Need
4	The name, mailing address, and telephone number of the applicant and owner.	☐	☐
5	Letter of Agency (A statement from the owner that the applicant is entitled to apply on his or her behalf)	☐	☐
6	Attach a written, detailed description of the request.	☐	☐
7	Metes and bounds description of the property (Legal Description).	☐	☐
8	Vicinity Map	☐	☐
9	The zoning district in which the site is located.	☐	☐
10	Required Fee.	☐	☐
11	Number of proposed lots.	☐	☐
12	Plat shall show the following:		
12	A. The seal, registry number and signature of the registered surveyor and professional engineer who prepared the plat.	☐	☐
12	B. The location of all present property lines, streets, alleys, rights-of-way, buildings, easements, lakes, watercourses and drainage ways.	☐	☐
12	C. Size of the tract in acres and square feet and the boundary lines along with the linear measurements.	☐	☐
12	D. The names and boundaries of all adjoining subdivisions and the names of recorded owners of adjoining parcels including mailing addresses and parcel numbers within 200 feet of the site.	☐	☐
12	E. North point, scale and date.	☐	☐
12	F. Any portion of the floodplain as delineated by the Flood Insurance Rate Map (FIRM) must be clearly illustrated and labeled on the plat.	☐	☐
12	G. Exact location shall be shown for all buildings, septic tanks, wells or similar features with respect to existing or proposed lot lines or right-of-ways lines.	☐	☐
12	H. Other information as deemed necessary by staff in order to create building sites and promote the public health, safety and welfare.	☐	☐
12	I. Notification will be sent to direct abutters within two business days of the application filing. This notification will include comment forms.	☐	☐
12	J. Any existing building(s) to remain or to be razed.	☐	☐
13	Turn in proof of recording to City of Oxford Community Development Department		

Fees & Receipt

The fees are:

- Lot Split – \$50
- Lot Consolidation – \$50
- Lot Split & Consolidation – \$100

Write a check payable to **City of Oxford**. You may also pay in-person using Visa, MasterCard, and Discover.

Sign and Date

Applicant Signature *

Derrick Daily

Date *

2/13/23

Submit Application, Plans and Documentation, and Fees

We will not accept incomplete applications and/or plans and documentation.

Send or drop off this application with the original and required copies of the plat and a check for fee and postage charges made payable to **City of Oxford**, to Community Development Director, 15 South College Avenue, Oxford, OH 45056.

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

Note: Per Planning and Zoning Code 1101.600(E) ¹, all minor resubdivision(s), lot split(s) or lot consolidation(s) shall submit proof of recording to the Community Development Department.

For Staff Use Only

Date of Submission *	_____	Date Signed Plat Due to Applicant (15 Days) *	_____
Fee *	\$_____	Fee Paid Date *	_____
Receipt Number *	_____	Volume/Page Number *	_____

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

LETTER OF AGENCY

To Whom It May Concern:

Please be advised that

Joseph Charlson - SAM, Inc -Surveying

(Applicant Name)

has permission to represent our interest with the City of Oxford regarding
Duke Energy Ohio, Inc. request for property consolidation

(Application Description)

located at

4120 Millville Oxford Road, Oxford, OH 45056

(Property Address/Location)

Thank you,

Ebony Wiggins

(Property Owner Printed Name – must be a person)

Manger Land Services - Duke Energy Ohio, Inc.

(Property Owner Company Name – if applicable)


Ebony Wiggins (Feb 9, 2023 15:19 EST)

(Property Owner Signature – must correspond to printed name above)

Feb 9, 2023

(Date)



MEMORANDUM
Community Development Department
513-524-5204

TO: Oxford Planning Commission
FROM: Sam Perry, AICP
Director
DATE: March 9, 2023
RE: Rules of Procedures Revisions

Based on the need to bring the Planning Commission by-laws up-to-date, some revisions to the Rules are proposed as noted on the attached copy. If approved at this meeting these would go into effect immediately. City Council approval is not required.

A handwritten signature in black ink that reads "Sam Perry". The signature is fluid and cursive, with a long horizontal line extending from the end.

Sam Perry, AICP
Community Development Director

**RULES OF PROCEDURE FOR
THE PLANNING COMMISSION OF
THE CITY OF OXFORD, OHIO**

ARTICLE I – Membership

The Planning Commission is established by Section 8.06 of the Charter of the City of Oxford, Ohio. Membership shall consist of seven members, two of whom are members of Council, selected by Council for a term of one year; and five citizen members, appointed by Council from among the qualified electors of the City. ~~Planning Commission shall be sworn into office at his/her first meeting.~~ The five citizen members shall serve five-year overlapping terms of office with one term expiring each year. Citizen members of the Planning Commission shall hold no other public office, except that one such member may be a member of the Board of Education.

The City Manager, as authorized by Section 8.12 of the Oxford Charter, shall serve as an ex-officio member of the Planning Commission.

ARTICLE II – Jurisdiction and Function

In accordance with Section 8.07 of the Charter of the City of Oxford, Ohio, the Planning Commission:

may act as the Platting Commission of the municipality. As such, it shall provide for planning, zoning and regulations covering platting of all lands which are subject to control by the municipality, and shall cause an official map to be made. The Commission shall carry out the municipal planning function including the preparation of a **Comprehensive Plan** ~~master plan~~, and make such investigations, reports, and recommendations relating to planning and the physical development of the City as it finds necessary and desirable.

ARTICLE III – Offices and Duties of Members and Staff

Section 1. At the first meeting of each year, the Planning Commission shall elect one of its members as Chair, one as Vice-Chair, ~~and one as Executive Secretary~~

Section 2. The Chair shall preside at all meetings of the Commission, shall call special meetings, and shall be responsible for the preparation of the agenda of each meeting. The Chair shall also represent the Planning Commission in matters and areas of concern to the Commission when so directed by a majority of its members and/or City Council; shall advise and keep the Commission members informed of Planning Commission related matters; and, shall perform such other duties commonly prescribed to such office and those duties that are deemed appropriate and necessary by the other members of the Commission and/or City Council.

Section 3. The Vice-Chair shall perform the same duties as the Chair in his absence; shall be responsible with the aid of the Community Development Director, Planner and the Law Director, or designee, for the orientation of and the dissemination of all pertinent Planning Commission materials to all newly appointed members.

Section 4. In the event that the Chair and the Vice-Chair are both absent from a meeting, the remaining members shall select a Chair Pro-Tem who shall perform the same duties as the Chair for the balance of the meeting.

Section 5. The Recording Secretary shall record the proceedings of all business meetings, hearings, and public meetings, and shall prepare the minutes therefrom. All such recorded proceedings (manuscript or tapes) shall be preserved as provided for in the City's records retention policy. A record shall be made by the Recording Secretary and be placed in the minutes of each business meeting indicating the vote of each member by name relative to each

agenda item. Said minutes shall be placed in the Public Record and shall be maintained on file in the office of the Community Development Director.

~~Section 6. The Executive Secretary shall be responsible for the accuracy of the minutes of the meetings of the preceding month, prepared by the Recording Secretary, for approval at the next business meeting, and shall be responsible for such communications, as may be directed by the Commission.~~

Section 6. The Law Director serves as the legal counselor to the Planning Commission in accordance with Section 5.04 of the Oxford Charter and Section 125.02 of the Oxford Administrative Code and shall be responsible for advice, interpretation, and recommendation in all matters relating to Planning Commission business. The Law Director shall be present at all regular monthly business meetings of the Planning Commission. At such other times when the Law Director's services and legal counsel are required, he shall be given 48 hours notice in advance of such meetings.

Section 7. The Community Development Director with the concurrence of the City Manager (see Section 121.02 of the Oxford Administrative Code), shall report on agenda items; shall be responsible for the compiling and maintaining of all documents and communications received by the Planning Commission; shall notify in writing petitioners and/or affected parties and the news media of meetings and hearings; shall request and assemble all pertinent documents and information relative to agenda items; shall keep the Public Record of Planning Commission matters on file in the Community Development Director's office in the Municipal Building and make same available for public inspection; shall make available to petitioners, affected parties and/or the public the rules and regulations relative to Planning Commission procedures; shall advise the Commission of all lot splits, the packaging of lots, and the like.

ARTICLE IV – Meetings

Section 1. ~~The~~ **A** regular monthly business meeting of Planning Commission shall be held in the Oxford Courthouse at 7:30 p.m. during the second week of each month, unless otherwise scheduled at a day, a time, and a location as determined by the Chair, and as published on the City's website. A meeting may be canceled if there are no business items. Additional business meetings may be called by the Chair or any two (2) members when deemed necessary and appropriate. All Meetings are open to the public for attendance and participation and shall be announced to the public and the news media at least 2 days in advance of the meetings.

Section 2. The Chair or any two members may call a work session. Work sessions are for the purpose of studying appropriate matters pertinent to the duties of the Planning Commission. The public is invited to attend the entire work session **but may not participate** and may participate during the first and last fifteen minutes, and at other times at the discretion of the Chair, of such sessions in matters relative to the agenda or matter discussed during the work session. Notice of the call for special meetings or a work session shall be **announced** communicated to the public and the news media at least 2 days in advance of said meeting.

Section 3. All meetings, including Executive **Sessions** Meetings, shall be held and conducted in conformance with the Ohio Revised Code, Section 121.22.

Section 4. Quorum for all meetings and work sessions shall consist of four members present at the meetings.

Section 5. All questions concerning the governance of the Planning Commission business meetings and the transaction of such business shall be decided in accordance with parliamentary rules as contained in the latest Revised Edition of Robert's Rules of Order.

ARTICLE V – Voting

Section 1. The voting members of the Planning Commission are the five citizen members and the two Council members.

Section 2. A majority vote of those members present shall be necessary to pass any item of business that is brought before the Commission. Where only the minimum quorum is present at any business meeting an affirmative vote of three members is necessary to validate the passage of any motion or recommendation. ~~Any motion which results in a tie vote shall become automatically an agenda item for the next regular business meeting, or, if so required by ordinance, at a specially called business meeting.~~

Section 3. The Chair is entitled to vote on all matters under consideration by the Planning Commission.

Section 4. No Planning Commission member shall participate in the discussion or vote on any matter in which he has a personal interest as Planning Commission member. ~~It shall be the responsibility of the Chair to inquire whether a personal interest exists.~~ Any member having such a personal interest shall ~~absent~~ **recuse themselves** himself from the Commission during that portion of the meeting in which said matter is being deliberated and voted upon.

~~Section 5. Any participating member may include in the Planning Commission's recommendations to City Council a minority report in regard to any agenda item.~~

ARTICLE VI – Public Hearings

Section 1. Public hearings pertinent to Planning Commission matters initiated and conducted by the City Council should be attended by Planning Commission members for the purpose of gathering relevant information which may be presented at the hearing. At its next regular monthly business meeting or, if so required by deadlines specified by ordinance, at a specially called business meeting, the Planning Commission shall consider the matter and make its recommendation to City Council.

All Planning Commission members shall be notified by the Clerk of Council of public hearings established by Council on subjects pertaining to Planning Commission matters.

ARTICLE VII – Business Procedures

Section 1. Agenda items of business must be received in the **Planning Community Development** Department's Office in the Municipal Building no later than 5:00 p.m., and forty-five (45) days prior to the regular business meeting. Business items that are submitted after this time shall be considered at the next business meeting.

Section 2. The agenda for the regular monthly business meeting shall follow the format set forth by the Planning Commission. An agenda shall not be required for additional business meetings called by the Chair unless new items of business are to be considered at the additional meeting.

Section 3. Each agenda item of business that is submitted for the Planning Commission's consideration must be complete, that is, it must contain all pertinent information, such as: maps, diagrams, sketches, detailed specifications, etc., where necessary and applicable, in accordance with the requirements stipulated by the appropriate ordinance under which the agenda item is being considered.

Section 4. In order that Planning Commission may fulfill its responsibilities in rendering proper consideration to any petition, request, or plat submitted by an individual or individuals, said

individual or individuals or agent or legal representative shall be present at the business meeting and shall fully inform themselves of the ordinance, rules, and regulations relative to the business item involved. It shall be the duty of the Zoning Administrator to inform said party or parties in writing of the time, date, place, and purpose of the meeting.

The Planning Commission shall reserve the right to dismiss any petition, request, plat, etc., if the petitioner, his agent, or legal representative is not present or has not requested in writing a reasonable extension of time for a proper presentation of said petition, request, plat, and the like.

Section 5. The Planning Commission renders a decision on petitions, subdivisions, plats, plans, etc., in accordance with the Oxford Code of Ordinances. Between the time of receipt of the petitions, subdivision, plats, plans, etc., and the deadline for Planning Commission approval, disapproval, or report, the Planning Commission may:

- a) conduct surveys;
- b) hold special meetings (prior to or in addition to the advertised public hearing required by the various ordinances) for the purpose of eliciting pertinent information from interested parties;
- c) conduct such investigations it deems necessary and desirable

Section 6. Changes made on Final Plats by Council shall be reported to the Planning Commission by the Zoning Administrator.

Section 7. For zoning change requests, see Oxford Code of Ordinances, Chapter 1135.

ARTICLE VIII – ~~Planning Procedures~~ Annual Report

Section 1. During the fourth quarter of each year, the Planning Commission shall review the Code of Ordinances as they pertain to Planning and the Comprehensive Plan and the revisions thereof, which have been suggested during the previous twelve (12) months (See Agenda item VIII); following such review the Planning Commission shall formulate an Annual Report and any recommendations concerning any changes it deems desirable in any portion of the Comprehensive Plan. Those recommendations shall be submitted to the Oxford City Council in October, together with suggestions as to the means to accomplish the recommended changes.