



THE CITY OF
OXFORD

Memorandum

To: Mayor and Board of Aldermen, City of Oxford
From: Judy Daniel, Director of Planning
Date: October 17, 2017
Request: Consideration of Case #2220, Recommendation for Approval of the Oxford Land Development Code and Map

Project History - The planning process for the Vision 2037 Comprehensive Plan began in late 2014, after a decision by the Mayor and Aldermen, that given the extraordinary growth the City continued to experience, an update to the 2004 Comprehensive Plan was needed. While the 2004 Plan was less than 15 years old, growth had been so extraordinary that city leaders felt it important for a new type of Plan with a broad approach that will use new approaches in planning practice that are oriented to creating cities that build a network of great places to live, work, and play – not just single use commercial areas bordering segmented residential areas. The stated intent of Vision 2037 was to “provide a fresh planning basis from which to protect and preserve Oxford’s special sense of place and quality of life.” That Plan was adopted last year, and since that time the staff has been working with Orion Consultants to update the Land Development Code and Zoning Map to conform to the recommendations of the Comprehensive Plan.

Planning Approach - The planning approach of the Vision 2037 Plan reflects a combination of the extensive community input, Oxford’s Guiding Principles, and “Smart Growth” planning principles. Smart Growth emphasizes the importance of building communities, not separating uses and relying primarily on the ever increasing reliance of automobiles and ever more separated land use types. Smart Growth encourages “building urban, suburban, and rural communities with housing and transportation choices near jobs, shops, and schools”. The range of Place Types in the Vision 2037 Plan reflect this philosophy in what is called a “continuum”, meaning an evolving growth pattern from natural open spaces up to high density urban uses.

Achieving this goal meant a reorientation of the Land Development Code and zoning map to reflect the Future Land Use place types adopted by the Mayor and Board of Aldermen. First the existing Land Development Code was updated and reorganized, then new standards and regulations were added or inserted to replace antiquated language. The Public Review Draft Code and Map were introduced in early July; and the Public Hearing Draft in August.

Land Development Code Elements

The Code contains eleven chapters, each an important part of the implementation of the Vision 2037 Comprehensive Plan. These include the following:

- Article 1. Purpose and Scope. This chapter establishes the legal basis for the Code, and sets its Guiding Principles and Objectives.
- Article 2. Zoning Districts Established. This chapter establishes the legal basis for the zoning districts and zoning map, defines each district, and sets its basic development standards.
- Article 3. Uses and Use Conditions. This chapter establishes standards for nonconforming uses, regulations for uses applicable in all districts, outlines what uses are allowed in each district, and establishes the governance standards for each use. These standards include its definition, where it is permitted, any parking or loading standards, and any additional regulatory standards.
- Article 4. Infrastructure and Mobility Standards. This chapter establishes the governing standards for streets, sidewalks, easements, required infrastructure improvements, and the parking and loading requirements.
- Article 5. Site Design Standards. This chapter provides standards for parking lots, site and structure lighting, placement and design of accessory structure and storage area, design standards for building form and materials, and landscaping standards (moved from Article II, Section 34 of the Code of Ordinances). It also outlines the review standards for areas in the Old Town Oxford Neighborhood Conservation Overlay District (currently the only approved such overlay district).
- Article 6. Environmental Standards. This chapter is mainly the Tree Preservation language being moved from Article II, Section 34 of the Code of Ordinances. Other environmentally related ordinances are cross-referenced.
- Article 7. Sign Regulations. This chapter has substantially the same regulations as the current code, but reorganized for clarity. Some additional standards for signage in historic districts is included, along with provision for master signage plans.
- Article 8. Administrative Bodies. This chapter outlines the role of each body or person that has a role in the administration of this plan: The Mayor and Board of Aldermen, the Planning Commission, the Site Plan Review Committee, the Planning Department, and the Planning Director.
- Article 9. Administrative and Application Procedures. This chapter outlines the process for approval or other actions for the actions delegated to this Code. These include: Subdivisions, Site Plans, Special Exceptions, Variances, Interpretations and Appeals, Amendments to the Map or Code, Public Notice Requirements, Certificates of Zoning Compliance, Administration of Overlay Zoning Districts, and Enforcement of the Code.

- Article 10. Definitions. This chapter includes the list of terms used in the Code, defined and cross-referenced as necessary.
- Appendix. This chapter includes various lists of items necessary for the processing of applications outlined in the Code. It includes: Fees and Expenses, Sketch Plan Standards, Preliminary Plat Standards, Final Plat Standards, Final Plat Standard Forms, Landscape Plan Contents, Site Plan Standards, Contents for Preliminary vs. Final Site Plans, Technical Standards for Installation of Landscaping, Tree Lists, and Sex Entertainment District Special Requirements.

Zoning Districts - The Place Types continuum was the most substantial element of the Vision 2037 Comprehensive Plan. The Place Types “present the ideal development characteristics for Oxford”, and the series of Place Types are an urban design tool used to “guide and evaluate development in terms of form, scale, and function in the built environment”. These Place Types became the basis for the zoning districts in the Land Development Code. They include:

1. **Rural** – This type features low density areas, containing a mix of open land, scattered residences, and a few “crossroad” commercial centers. It led to the Agricultural and Rural Center districts.
2. **Suburban** – This type features lower to moderate intensity areas, characterized by automobile centric development patterns. It led to the Estate Residential, Suburban Residential, Suburban Multi-family, Suburban Corridor, and Suburban Center districts.
3. **Traditional Development** – This type features moderate intensity areas, characterized by more walkable, mixed use development patterns where automobiles are less dominant and pedestrian and biking facilities are a larger part of the development pattern. It led to the Neighborhood Residential district, Traditional Neighborhood Business district, and Traditional Neighborhood Development districts.
4. **Urban** – This type features fairly high intensity areas, which also build a development matrix that features walking, biking, transit use, along with automobile use. It led to the Urban Corridor and Urban Center districts.
5. **Special Use Districts** – This type acknowledges and establishes patterns appropriate for uses that include industrial areas, government facilities, educational, and other institutional uses. It led to the Historic Urban Center, Industrial, Institutional, Planned Unit Development districts; and four Overlay Districts.

Table of Uses and Use Standards – A substantially different feature of the LDC is that all the allowed uses are grouped into a matrix in Article 3, which allows a reader to more easily see all the districts where a use is located. Uses are allowed either as Permitted, Special, or Special Exception. These mean:

- Permitted uses are allowed “by right” (staff approved) if they meet all applicable standards in the LDC.
- Special uses are allowed “by right” (staff approved) if they meet all applicable standards in the LDC, plus any applicable additional standards listed for the use in Article 3.
- Special Exception uses are allowed with approval from the Planning Commission if they if they meet all applicable standards in the LDC, plus any applicable additional standards listed for the use in Article 3. Another change in this LDC is that these are approved by the Planning Commission, not a Board of Adjustment; thus allowing them to be appealed to the Mayor and Board of Aldermen.

Major Process Changes – Other substantial changes in this LDC from the current code include:

- Generally - Substantial reorganization for clarity and flow, elimination of duplications, and correction of mistakes.
- Article 2 – Giving each zoning district a one-page summary of its character, use types, and dimensional standards.
- Article 3 – Grouping all nonconformity information in one section.
- Article 4 – Adding new road types and cross-sections.
- Article 5 – Adding new lighting and building form standards
- Article 6 – Moving the Tree Preservation standards from City Ordinance 34, and augmenting the requirements as related to Certified Tree Farms.
- Article 7 – Adding the ability for any larger development to request a Master Signage Plan.
- Article 8 - Clarifying and grouping the role of each applicable administrative body. The Board of Adjustment has been removed with its duties (variances and special exceptions) transferred to the Planning Commission. This means that those decisions are appealable to the Mayor and Board of Aldermen rather than to a court of law.
- Article 9 – Adding the potential for a preliminary and final site plan approval process for TND and PUD developments; and reducing the threshold for Planning Commission review of site plans from 10,000 square feet to 5,000 square feet.
- Article 10 – Contains all definitions used throughout the Code.

Zoning Map - The continuum of Place Types set a desired pattern for growth, designed to reflect existing and potential infrastructure potential, proximity to other similar use types, potential for new development patterns based on expansion of infrastructure, and community need for certain land uses. The proposed zoning map reflects the continuum of Place Types outlined in the Vision 2037 Comprehensive Plan, the Place Types that were indicated on the Future Land Use Map, and the evolving nature of growth in Oxford.

Most properties were placed in districts that reflected either their current zoning or zoning appropriate to the current development pattern on the property, as similarly noted on the Future Land Use Map. This resulted in large areas of Suburban Residential, Suburban Centers and Corridors, Neighborhood Residential, and Traditional Neighborhood Business. The Public Hearing Draft included more protected overlay versions of the Estate, Suburban, and Neighborhood Residential districts; and for one location in Oxford, a protected overlay version of the Traditional Neighborhood Business district. Similarly, there are very few areas with Industrial, Urban Center, or Corridor designated, or Estate Residential. Existing Planned Unit Developments (PUDs) and Traditional Neighborhood Development (TND) zoning, indicate zoning patterns appropriate for the development as adopted; with a border indicating the applied zoning district. The Institutional district is new, and includes local, state, and federal government owned properties.

Public Review Process

Process Description - The recommended Land Development Code and Map went up on the City of Oxford website on July 10. The press was informed and announcements were made at the July 10 meeting of the Planning Commission and the July 11 meeting of the Mayor and Board of Aldermen. Staff met with a number of consulting engineers, property owners, and local developers who frequently have development proposals in the City, and also with interested residents, to discuss the revised standards and map. A list of requested changes and questions answered was initiated.

On July 27, the Planning Department held an Open House at the Oxford Conference Center and over 100 people attended, and 35 comments were received. Then in early August the staff invited the public to come to City Hall for drop in visits to see the zoning map and ask questions about the zoning code. At least 25 people came by on those days, while staff also fielded many phone calls and emails with questions and requests for modifications. All comments (questions, general comments, support comments, and requests for modifications) received during this month long public comment period were recorded.

After work sessions in August with the Mayor and Board of Aldermen to consider modifications to address community concerns, a final Public Hearing Draft of the Code and Map were released. Following that the Planning Commission held a work session to go through the recommendations as amended. A final public review event was held on September 21 at the Oxford Conference Center, attended by over 50 people. At the time this report was submitted the staff had received over 150 comments (some duplicative). These are noted on the attached documents and include requests for modifications to the zoning code, requests for changes to (or support for) the zoning map, and questions about the code – with general or technical glitch corrections.

Planning Commission Recommendations

On September 27 the Planning Commission held a Public Hearing to consider comments from the public regarding the Public Hearing Zoning Code and Map. On Monday, October 2, the Planning Commission held a work session (a continuation of the September 27 meeting) to discuss the comments from the public and other elements of the documents. Then, last Monday, October 9, the Planning Commission met and considered their thoughts on the Code and determined their recommendations to be made to the Mayor and Board of Aldermen. In a unanimous vote, they recommended approval of the Public Hearing Draft of the zoning code and map with certain modifications, and with some suggestions for further consideration by the Mayor and Aldermen. In summary their recommendations for modifications and further consideration include five map modifications, with requests for further consideration at two places; and seven substantive changes to the Code, and the technical/corrective changes compiled by the staff. *A full assessment of their recommendations is attached.*

Finally, on October 12, the Mayor and Board of Aldermen held a work session to discuss the recommendations of the Planning Commission and a few other items. *A full assessment of their discussion is also attached.*

Staff Final Comments and Recommendation

First, the staff wishes to thank all who participated in this process – Oxford residents, business owners, elected and appointed officials, the City Attorneys, and city staff. Their thoughts, consideration, and time are deeply appreciated. We appreciate the thoughtful evaluation of the recommendations regarding this important document submitted by those who have read and studied it. And we appreciate the vision and commitment of this group of city leaders, the Mayor and Board of Aldermen who adopted a Comprehensive Plan that establishes ambitious and laudatory goals for this city, addressing new patterns for growth that replicate the best of Oxford’s past. Rather than continuing expansion via strip commercial centers and ever more sprawling residential subdivisions, distant from the or a core; it anticipates more neighborhood cores, with mixed type residential neighborhoods, replicating the pattern around The Square. These would be neighborhood cores with their own centers that reflect and celebrate the cultural role of The Square as stated by William Faulkner:

After the Mayor and Board of Aldermen adopted the Vision 2037 Comprehensive Plan staff began the work on the zoning code and map following the principles of that Plan. One area of substantial difficulty in completing this work has revolved around the definition of, and methods to, preserve and protect existing neighborhoods in conflict with a strong directive to address affordable housing issues; as a result of concerns about university student housing options.

The staff understanding of the Comprehensive Plan was that an intended definition of preservation was to retain the potential for diversified housing types in neighborhoods that currently allow diversified housing types; and allowing more mixed-type residential housing in developing areas; while preserving the more established neighborhoods whose zoning districts allow only detached dwellings; and while reducing the potential for student oriented multi-family development.

One of the great charms of Oxford, particularly its older neighborhoods near The Square, is their diversity, not their sameness. That is reflected in the Comprehensive Plan which discusses the need to replicate the historic building patterns of Oxford, which include that housing diversity. That implies methods to continue to allow the mix of small and large homes, historic and newer homes, single-family and attached homes, and the few scattered multi-family developments; as well as the close proximity to the commercial options on the edges. The zoning code and map attempted to provide options for that directive, while protecting the established neighborhoods from any substantial level of additional development.

Much progress was made with this zoning code and map. These issues were addressed through changes like limiting the number of 4 bedroom apartments, changing parking requirements for multi-family housing, encouraging apartments on upper floors of buildings in commercial districts, and requiring percentages of detached housing in the mixed-type Neighborhood Residential district. But the concerns remained, and even more restrictions and the overlay districts, were added to address those concerns – even moving into areas with undeveloped properties. And unfortunately the reality is that these changes, designed for protection, further restrict options for the non-student population looking for more affordable housing options. Yet the concerns about student behaviors are real.

The next big task in the Vision 2037 Plan will be the effort to address housing affordability. And the reality facing Oxford is that due to the high cost of land in this City, higher density – attached and multi-family – housing is the only means that will be available to make any headway. Land costs too much in Oxford for single family detached subdivisions on lots over 5,000 square feet with low density limits to be affordable for a large percentage of our residents. And mixed-income, mixed-housing type development is the best means to make progress toward that goal. This is what the Housing Committee will need to evaluate.

The Housing Committee will need to wrestle with how Oxford can balance its need for more affordable housing options for all those other than the problematic single university students, those at the “workforce” housing level, (the young families, single parents, teachers, firemen, restaurant employees, civil servants, entry level business employees, policemen and others) with the concerns about the students – who are also a bedrock of the economy of the City and who understandably prefer to live near campus, or at least near a bus route. Realistically the City and the University will need to work together on this important task. How can the City avoid restrictive changes resulting from an understandable concern about living near university students with behavioral issues and their cars and the traffic they generate; while providing affordable housing options for well-behaved adults of all ages with limited incomes?

Fortunately, the Vision 2037 Plan contemplates preservation of Oxford’s special and charming diversity, and growth that replicates that pattern. The Zoning Code and Map were designed to encourage that type of growth, and will allow significant progress toward that goal, despite the limitations imposed to address the concerns about student housing.

Oxford will continue to grow, and there will still be many areas of growth in Oxford directed toward those who have the financial means to acquire detached dwellings in subdivisions of other detached dwellings and they will offer the security of sameness and familiarity. But those will realistically not be affordable for all. So mixed-type, mixed-income models will also be important. And it is the vibrant mix of housing types and sizes, housing a vibrant mix of different types and ages of people, rubbing elbows, that make Oxford's older neighborhoods and The Square special and unique. And more neighborhoods of that pattern will be needed, created perhaps in areas of expansion, to meet the affordable housing challenges the city faces.

With that in mind, the Staff recommends approval of the Public Hearing Draft of the Oxford Land Development Code and Zoning Map with the following recommendations for modifications and corrections:

- A. Modifications proposed by the Planning Commission and Board of Aldermen.
- B. Approval for the changes in the list of glitches and mistakes (technical, grammatical, punctuation, layout) to be corrected.